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House Bill 5121 (Substitute S-2 as reported)
House Bill 5122 (Substitute S-1 as reported)
House Bill 5123 (Substitute S-2 as reported)
House Bill 5124 (Substitute S-1 as reported)
House Bill 5125 (Substitute S-1 as reported)
Sponsor: Representative John Walsh (H.B. 5121)
Representative Joe Haveman (H.B. 5122)
Representative Kevin Cotter (H.B. 5123)
Representative Tom Leonard (H.B. 5124)
Representative Kurt Heise (H.B. 5125)

House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bills would amend the Revised Judicature Act (RJA) to eliminate circuit and district judgeships; authorize the addition of circuit and district judgeships; and authorize the consolidation of districts. As applicable, the bills indicate that if a district control unit approved a consolidation, the district control unit would voluntarily accept the resulting expenses and the consolidation would not affect the State's obligation to pay costs.

Each of the bills is tie-barred to all of the others.

The revisions in judgeships proposed by the bills are reflected in the table below.

Court	County or City	Bill	Change in Judgeships
3 rd Circuit	Wayne County	5124 (S-1)	-4
6 th Circuit	Oakland County	5122 (S-1)	+1
16 th Circuit	Macomb County	5121 (S-2)	+2
17 th Circuit	Kent County	5123 (S-2)	+1
7 th District	Van Buren County	5123 (S-2)	+1
50 th District	City of Pontiac	5123 (S-2)	-1
63 rd District	Kent County	5125 (S-1)	+1
70 th District	Saginaw County	5125 (S-1)	-1

The proposed consolidations involve districts in Wayne County and in Genesee County.

House Bill 5121 (S-2) would authorize the 16th Judicial Circuit (Macomb County), subject to Section 550 of the RJA, to have one additional judge, beginning January 1, 2017, and one additional judge beginning January 1, 2019. If the new judgeship were added in 2019, the initial term of office of that judgeship would be eight years.

(Under Section 550, additional circuit judgeships may not be created unless approved by each county in the circuit.)

House Bill 5122 (S-1) would authorize the Sixth Judicial Circuit (Oakland County) to have one additional judge beginning January 1, 2019, subject to Section 550.

House Bill 5123 (S-2) would authorize the 17th Judicial Circuit (Kent County) to have one additional judge beginning January 1, 2015, subject to Section 550.

The 7th Judicial District (Van Buren County) has two judges. Under the RJA, the 7th District will have just one judge beginning on the earlier of the date on which a vacancy occurs in the office of district judge in the 7th District, or the beginning date of the term for which an incumbent district judge in the 7th District no longer seeks election or re-election to that office. The bill would delete the provision reducing the district from two judgeships to one.

The 50th Judicial District (Pontiac) has four judges but will have three judges beginning on the earlier of the date on which a vacancy occurs in the office of district judge in the district, or the beginning date of the term for which an incumbent district judge no longer seeks election or re-election. The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

In addition, following or simultaneously with the reduction in the number of judgeships from four to three, the 50th District would have two judges beginning on the earlier of the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after a judge's successor in office had been elected but before the successor took office, or the beginning date of the term for which an incumbent district judge no longer sought election or re-election.

The 18th Judicial District (Westland) has two judges, and the 29th Judicial District (Wayne) has one judge. Under the bill, if the governing bodies of Westland and Wayne approved by resolutions the consolidation of the 18th and 29th Districts before January 1, 2016, the 29th District would be abolished, and the 18th District would consist of the Cities of Wayne and Westland and have three judges, effective on that date.

The 27th Judicial District (Riverview and Wyandotte) has one judge, and the 28th Judicial District (Southgate) has one judge. Under the bill, if the governing bodies of Riverview, Southgate, and Wyandotte approved by resolutions the formation of the 26th District by the consolidation of the 27th and 28th Districts before January 1, 2016, the 26th District would be created by that consolidation. The 26th District would consist of the Cities of Riverview, Southgate, and Wyandotte and have two judges, effective on that date.

House Bill 5124 (S-1) would reduce the number of judgeships in the Third Judicial Circuit (Wayne County) from 60 to 56, beginning at noon on January 1, 2015.

House Bill 5125 (S-1) would authorize an additional judgeship in the 63rd Judicial District (Kent County, except for the Cities of Grand Rapids, Grandville, Kentwood, Walker, and Wyoming). The 63rd Judicial District is divided into two election divisions, each of which has one judge. Under the bill, beginning January 1, 2014, the 63rd District would consist of the same portion of Kent County, but would not have separate election divisions. Subject to Section 8175, the 63rd District could have one additional district judge beginning January 1, 2015. (Under Section 8175, additional district judgeships may not be created unless approved by the local district control unit.)

The 70th Judicial District (Saginaw County) is divided into the following election divisions:

- The first division, consisting of the Cities of Saginaw and Zilwaukee and the Townships of Bridgeport, Buena Vista, Carrollton, and Zilwaukee, with three judges.
- The second division, consisting of the rest of Saginaw County, with three judges.

Under the bill, the second division would have two judges. The first division would have two judges, and the second division would have three judges, beginning on the date on which a vacancy occurred in the office of district judge in the first division, unless the vacancy occurred after a judge's successor in office had been elected but before that successor took office, or the beginning date of the term for which an incumbent district judge in the first division no longer sought election or re-election, whichever was earlier.

The 67th Judicial District (Genesee County, except for the City of Flint) is divided into four election divisions, with a total of six judges. The 68th Judicial District consists of the City of Flint and has five judges. The 68th District will have four judges beginning on the earlier of the date on which a vacancy occurs in the office of district judge in the district, or the beginning date of the term for which an incumbent district judge no longer seeks election or re-election. The bill would refer to the date on which a vacancy occurred in the office of district judge in the district, unless the vacancy occurred after the judge's successor in office had been elected but before that successor took office.

If the governing body of Genesee County, by a vote of two-thirds of the county commissioners, and the governing body of the City of Flint approved by resolutions the consolidation of the 67th and 68th Districts, beginning the first January 2 after the approval of both governing bodies, the 68th District would be abolished and the 67th District would consist of Genesee County. The consolidated district would be divided into the following election divisions with the indicated number of judges:

- The first division, consisting of the Cities of Clio and Flushing and the Townships of Flint, Flushing, Montrose, Thetford, and Vienna, with one judge.
- The second division, consisting of the Cities of Burton and Davison and the Townships of Atlas, Davison, Forest, and Richfield, with two judges.
- The third division, consisting of the City of Mt. Morris and the Townships of Genesee and Mt. Morris, with one judge.
- The fourth division, consisting of the Cities of Fenton, Grand Blanc, and Swartz Creek and the Townships of Argentine, Clayton, Fenton, Gaines, Grand Blanc, and Mundy, with two judges.
- The fifth division, consisting of the City of Flint, with judges as described below.

The incumbent judges of the 68th District would become judges of the proposed fifth division for the balance of the term to which they were elected or appointed. If there were five judges in the 68th District at the time of the consolidation, the fifth division would have five judges. The fifth division would have four judges beginning on the date on which a vacancy occurred in the office of district judge in the division, unless the vacancy occurred after a judge's successor had been elected but before that successor took office, or the beginning date of the term for which an incumbent district judge in the fifth division no longer sought election or re-election to that office, whichever was earlier.

If there were four judges in the 68th District at the time of consolidation, the fifth division would have four judges.

For at least two years after the bill's effective date, the governing body of Genesee County would have to maintain a court facility in each municipality within the county where a court facility existed on that date. The county could maintain court facilities in any municipality within the county after the two-year period.

MCL 600.517 (H.B. 5121)
600.507 (H.B. 5122)
600.518 et al. (H.B. 5123)
600.504 (H.B. 5124)
600.8130 et al. (H.B. 5125)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would result in a net increase of two circuit court judgeships in Macomb County, a net increase of one circuit court judgeship in Oakland County, a net increase of one circuit court judge in Kent County, and a net decrease of four circuit court judgeships in Wayne County.

Effectively, there would be no net increase in the overall number of circuit court judgeships.

Each circuit court judgeship has a cost to the State of \$158,792 (of which \$139,920 is salary, \$9,078 is payroll taxes, and \$9,794 is retirement costs). The local court system pays for the remaining judgeship costs, including fringe benefits (health care and additional staff), facility costs, and overhead. The costs for local circuit courts differ by location.

Pending local approval, the bills would result in: a consolidation of the 18th and 29th districts with no net change in district court judgeships, a consolidation of the 27th and 28th districts with no net change in district court judgeships, and a consolidation of the 67th and 68th districts with no net change in district court judgeships.

Additionally, the bills would provide for the preservation of the present number of judgeships in the 7th district (two), the addition of a district court judgeship in the 63rd district, and the elimination of district court judgeship in both the 50th and 70th districts.

Effectively, there would be no net increase in the overall number of district court judgeships.

Each district court judgeship has a cost to the State of \$157,003 (of which \$138,270 is salary, \$9,054 is payroll taxes, and \$9,679 is retirement costs). The local court system covers the remaining judgeship costs, including fringe benefits (health care and additional staff), facility costs, and overhead. The costs for local district courts differ by location.

Date Completed: 2-13-14

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.