

Legislative Analysis



REINSTATEMENT OF DISTRICT JUDGESHIP IN MENOMINEE COUNTY

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Senate Bill 87 as reported from House committee
Sponsor: Sen. Ed McBroom
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 3-5-19

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 1 of 2019)

BRIEF SUMMARY: Senate Bill 87 would amend the Revised Judicature Act of 1961 to remove language eliminating the judgeship for the 95-A District Court (Menominee County) and to reinstate the judgeship for that court.

FISCAL IMPACT: Senate Bill 87 would have no fiscal impact on the state or on Menominee County, because the current district court judgeship and associated personnel would continue under the bill. (See *Fiscal Information*, below, for further discussion.)

BACKGROUND INFORMATION:

The State Court Administrative Office reviews Michigan's judicial needs every two years and compiles its findings in the *Judicial Resources Recommendations* (JRR). The report provides recommendations regarding the addition or removal of judgeships so that judicial resources are equitably distributed across the state. The 2011 JRR report recommended that a total of 45 judgeships be eliminated by attrition, one of which was the 95-A District Court judgeship.

As a result of this recommendation, Public Act 21 of 2012 amended the Revised Judicature Act to eliminate the judgeship for the 95-A judicial district and to designate the Menominee County probate judge to serve as judge of the 95-A district in addition to his or her duties as probate judge. However, the act provides that this change does not take effect until the date a vacancy occurs in the office of district judge or on the beginning date of the term for which the incumbent judge no longer seeks reelection to that office, whichever is earlier.

According to committee testimony, the judgeship for Menominee County will be eliminated March 31, 2019, when the incumbent judge retires.

THE CONTENT OF THE BILL:

Senate Bill 87 would remove the provisions eliminating the judgeship and provide that the 95-A judicial district consists of Menominee County, is a district of the first class, and has one judge.

MCL 600.8160

HOUSE COMMITTEE ACTION:

The House Judiciary Committee reported the Senate-passed version of Senate Bill 87 without amendment. As reported, Senate Bill 87 and House Bill 4161 are identical.

FISCAL INFORMATION:

Senate Bill 87 would have no fiscal impact on the state or on Menominee County, because the current district court judgeship and associated personnel would continue under the bill.

It has been expected, since fiscal year 2012, that the district court judgeship in Menominee County was going to be eliminated due to attrition, and that the duties of the district court judge would be transferred to the probate court judge. This would have resulted in a savings to the state and to Menominee County. Those savings would no longer be realized under the bill because the district court judgeship would no longer be eliminated. Therefore, costs for the judgeship and associated personnel would continue for the state and the county. The state pays the salary, the employer portion of FICA taxes, and retirement benefits for district court judges. Fringe benefits, personnel costs, and costs for supplies, equipment, and office space are paid for by local court systems. The FY 2019 cost to the state for a district court judge is \$170,815. This amount includes the district court judge's salary of \$149,656 and \$21,159 in payroll taxes and retirement costs. State costs are funded roughly 97% with state GF/GP revenue. Local costs for judgeships vary from district to district.

ARGUMENTS:

For:

Supporters of the bill argue that although the judgeship appeared seven years ago to be no longer needed, there has been a substantial increase in the district's caseload since 2012, particularly in felony filings. Some supporters also expressed the hope that retention of the judicial seat could help facilitate the establishment of a specialized drug court to serve the county.

Against:

No arguments against the bill were presented in House committee.

POSITIONS:

Representatives of the following entities indicated support for the bill:

- State Court Administrative Office (3-5-19)
- Michigan Association of Counties (2-26-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.