

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bills 257 and 769 (as enrolled)  
House Bill 4207 (as enrolled)  
Sponsor: Senator Bill Bullard, Jr. (Senate Bill 257)  
Senator Loren Bennett (Senate Bill 269)  
Representative Nancy Cassis (House Bill 4207)  
Senate Committee: Judiciary  
House Committee: Family and Civil Law

**PUBLIC ACTS 448 and 449 of 2000**  
**PUBLIC ACT 447 of 2000**

Date Completed: 2-23-01

**CONTENT**

**Senate Bill 257 and House Bill 4207**  
**amended the Revised Judicature Act**  
**(RJA) to do all of the following:**

- **Allow an additional judgeship in the first division of the 52nd judicial district in Oakland County, effective January 1, 2003, and transfer a judge from the first division to the second division if the county approves the additional judgeship.**
- **Transfer two townships from the first to the second division of the 52nd district, effective January 1, 2003.**
- **Allow an additional judgeship in the 47th district in Oakland County, if and when a district court judgeship is eliminated within the State.**

**Senate Bill 769** amended the RJA to combine the two divisions of the 27th district in Wayne County, and reduce the district's judgeships from two to one, on January 1, 2003, or when a judicial vacancy occurs in that district.

The Senate bills took effect on January 9, 2001. The House bill will take effect on March 28, 2001.

Senate Bill 257 was tie-barred to Senate Bill 769, which was tie-barred to Senate Bill 257 and House Bill 4207. House Bill 4207 was tie-barred to both Senate bills.

**House Bill 4207**

The first division of the 52nd judicial district currently has three judges and consists of the Cities of Novi, South Lyon, Wixom, and

Walled Lake and the Townships of Milford, Highland, Rose, White Lake, Commerce, Lyon, and Novi in Oakland County.

The bill provides that, subject to Section 8175 of the RJA, the first division of the 52nd district may have one additional judge effective January 1, 2003. (Under Section 8175, additional district judgeships may not be authorized to be filled by election unless each district control unit approves the creation of the judgeship by resolution and the clerk of each district control unit files a copy of the resolution with the State Court Administrator by 4:00 p.m. of the 16th Tuesday preceding the August primary.)

**Senate Bill 257**

**52nd District**

Under the bill, if the Oakland County board of commissioners approves the additional judgeship allowed by House Bill 4207, for the first division of the 52nd district, the judgeship in that division that is filled by the district judge whose term expires January 1, 2005, will be transferred to the second division, effective January 1, 2003.

The second division of the 52nd district has one judge and consists of the Townships of Springfield, Independence, Holly, Groveland, and Brandon. The bill transfers the Townships of Rose and White Lake from the first division to the second division as of January 1, 2003. The bill also states that the second district includes the "city of the village of Clarkston". (The Village of Clarkston, which is located entirely within Independence

Township, apparently was incorporated as a city within the past few years.)

On January 1, 2003, the second district will have two judges if a judgeship is transferred to that division from the first division.

#### 47th District

The 47th district consists of the Cities of Farmington and Farmington Hills, and has two judges. The bill provides that, subject to Section 8175, this district may have one additional judge subject to review and recommendation by the State Court Administrator to the Legislature and subsequent legislation, if and when a district court judgeship is eliminated within the State.

#### Elections; Terms of Office

The bill states that the changes in the composition of the first and second divisions of the 52nd district are effective for election purposes on March 1, 2002, and for judicial purposes on January 1, 2003. Electors of Rose and White Lake Townships are not eligible to be a candidate for the office of district judge in the first division in the primary and general elections of 2002, are not eligible to vote for that office in those elections, and are not qualified to sign nominating petitions for candidates for that office in 2002. If a vacancy occurs in the second division of the 52nd district before the filing deadline for the office of district judge in 2002, Rose and White Lake Townships will be considered part of the second division for purposes of the election to fill the unexpired term of that judgeship.

If a new office of judge is added to the first division to be filled by election in 2002, both of the following apply:

- The term of office for the new judge elected in the November 2002 general election will be four years, for that election only.
- The term of office for the judge elected in the November 2006 general election will be four years, for that election only.

The judge serving in the first division who is transferred to the second division pursuant to the bill must serve as a judge of the second division for the balance of the term for which he or she was elected or appointed.

#### **Senate Bill 769**

The 27th judicial district currently consists of the Cities of Wyandotte and Riverview in Wayne County and is divided into two divisions. The first division consists of Wyandotte and has one judge; the second division consists of Riverview and has one judge. Under Senate Bill 769, the 27th district will remain as is until January 1, 2003, or until a vacancy occurs in one of the district's judgeships, whichever occurs first. Beginning on January 1, 2003, or on the date on which a judicial vacancy occurs, the 27th district will consist of Wyandotte and Riverview (without separate divisions), and the district will have only one judge. The remaining incumbent judge of the 27th district will serve as judge of the entire 27th district for the balance of the term to which he or she was elected or appointed.

MCL 600.8123 (S.B. 257 & H.B. 4207)  
600.8121 (S.B. 769)

Legislative Analyst: S. Lowe

#### **FISCAL IMPACT**

##### **Senate Bill 257 & House Bill 4207**

The bills authorize two new district court judgeships: one in the 52nd district and one in the 47th district. The additional judgeship in the 47th District Court, however, is tied to the elimination of a district court judgeship within the State. Therefore, the State will incur no net cost increase from that new judgeship. Based on the 2002 salary of a district court judge, the State will incur the following annual costs for the new judgeship in the 52nd district, if it is approved by the county:

Salary	\$138,272
Social Security/Medicare	6,990
Defined Contribution Retirement	<u>9,679</u>
	\$154,941

The State also will incur approximately \$6,000 in one-time costs for electronic recording equipment.

Local costs will depend on support staff allocated to the new judge and whether additional office/courtroom facilities will be required.

### **Senate Bill 769**

Based on the 2000 salary of a district court judge, the State will save the following annual amounts by eliminating one judgeship in the 27th district:

Salary	\$138,272
Social Security/Medicare	6,990
Defined Contribution	
Retirement	<u>9,679</u>
	\$154,941

Local savings will depend on support staff and office space allocated to the eliminated judgeship.

Fiscal Analyst: B. Bowerman

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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.