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BILL ANALYSIS

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Senate Bill 435 (as introduced 4-25-07)
Sponsor: Senator Tony Stamas
Committee: Judiciary

Date Completed: 6-25-07

CONTENT

The bill would amend the Revised Judicature Act (RJA) to abolish the 87th judicial district, which consists of Crawford, Kalkaska, and Otsego Counties and has one district judge, and divide that district into three new judicial districts, with the counties' approval.

Specifically, if the Counties of Crawford, Kalkaska, and Otsego approved, respectively, the creation of the 87th-A, 87th-B, and 87th-C judicial districts and each of those counties approved the abolition of the 87th district pursuant to law, all of the following would apply effective January 1, 2008:

- The 87th-A district would consist of the County of Crawford, and the probate judge of Crawford County would serve as judge of the 87th-A district.
- The 87th-B district would consist of the County of Kalkaska, and the probate judge of Kalkaska County would serve as judge of the 87th-B district.
- The 87th-C district would consist of the County of Otsego, and would have one judge.
- The 87th district would be abolished.

The judge of the 87th district at 11:59 p.m. on December 31, 2007, who resided in Otsego County, would serve as judge of the 87th-C district for the balance of the term to which he or she was elected or appointed judge of the 87th district.

The Crawford County probate judge on January 1, 2008, would serve as judge of the 87th-A district for the balance of the term to which he or she was elected or appointed probate judge, and the Kalkaska County probate judge on that date would serve as judge of the 87th-B district court for the balance of the term to which he or she was elected or appointed probate judge. (Pursuant to Section 810a of the RJA, the probate judges in Crawford and Kalkaska Counties currently have the jurisdiction, powers, duties, and title of a district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of probate judge.)

(Section 8176 of the RJA prohibits the creation of a new judicial district proposed by law unless each district control unit in the proposed district, by resolution of the district control unit's governing body, approves the creation of the new district and the clerk of each district control unit adopting the resolution files a copy with the State Court Administrator by 4 p.m. of the 16th Tuesday before the August primary for the election immediately preceding the new district's effective date. A resolution filed before the effective date of the amendatory act authorizing the new district is valid if the filing occurs within the two-year State legislative session during which the amendatory act was enacted.)

FISCAL IMPACT

The bill would have no fiscal impact on State and local government. In this case, the creation of additional districts would not require any additional facilities or staff.

Fiscal Analyst: Stephanie Yu

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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.