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BILL



ANALYSIS

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Senate Bills 850 and 851 (as introduced 9-21-09)

Sponsor: Senator John Pappageorge

Committee: Judiciary

Date Completed: 10-26-09

### **CONTENT**

**The bills would amend the Revised Judicature Act (RJA) to define "additional circuit judgeship" and reduce the number of judgeships in the Sixth Judicial Circuit (Oakland County) from 19 to 18 between January 1, 2011, and January 1, 2015.**

The bills are tie-barred.

#### **Senate Bill 850**

Section 550 of the RJA outlines the procedure for creating new circuit judgeships and filling those positions by election. An additional circuit judgeship permitted by the Act may not be authorized to be filled by election unless each county in the circuit adopts a resolution approving the creation of the judgeship and files a copy of the resolution with the State Court Administrator by 4 p.m. on the 16<sup>th</sup> Tuesday preceding the August primary for the election to fill the additional circuit judgeship. The RJA states that, by permitting an additional judgeship under the Act, the Legislature does not create the judgeship. A county's approval creates an additional circuit judgeship and that approval constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or services offered in the county beyond that required by existing law. The county's approval and creation of a new judgeship constitutes a voluntary acceptance of all expenses and capital improvements that may result from the creation of the judgeship, except for the State's obligation to pay a portion of the additional judge's salary and other designated expenses. Each additional circuit judgeship must be filled by election pursuant to the Michigan Election Law.

The bill would define "additional circuit judgeship", as used in Section 550, as a judgeship that exceeds the highest number of judgeships approved by a funding unit under this section in a circuit during the preceding six years.

#### **Senate Bill 851**

The Sixth Judicial Circuit consists of Oakland County and has 19 judges. Under the bill, the Sixth Circuit would have 18 judges during the period beginning at noon on January 1, 2011, and ending at noon on January 1, 2015. The temporarily eliminated judgeship would have to be that of a judge who was not eligible to run for re-election due to constitutional limitation on the bill's effective date.

MCL 600.550 (S.B. 850)  
600.507 (S.B. 851)

Legislative Analyst: Patrick Affholter



## **FISCAL IMPACT**

The bills would result in annual savings to the State and Oakland County for four years. Annual State savings would total \$158,563.78. The amount includes the circuit court judge's salary (\$139,919), FICA (\$8,650.45), travel reimbursement (\$200), and defined contribution retirement (\$9,794.33). Local cost savings would include the judge's fringe benefits, the cost of court personnel, and the cost of equipment. Oakland County estimates its annual savings at \$450,000 (\$1.8 million over four years).

Fiscal Analyst: Bill 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.