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BILL



ANALYSIS

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Senate Bill 851 (as enacted)  
Sponsor: Senator John Pappageorge  
Senate Committee: Judiciary  
House Committee: Judiciary

**PUBLIC ACT 228 of 2009**

Date Completed: 5-4-10

**CONTENT**

**The bill amended the Revised Judicature Act (RJA) to do all of the following:**

- **Reduce the number of judgeships in the Sixth Judicial Circuit (Oakland County) from 19 to 18 during 2011, 2012, 2013, and 2014.**
- **Reduce the number of judgeships in the 16<sup>th</sup> Judicial Circuit (Macomb County) from 13 to 12 for six years beginning with 2011.**
- **Specify that the judgeships temporarily eliminated in Oakland and Macomb Counties must be the positions of judges not eligible to run for re-election.**
- **Provide that the initial term of the judgeship restored in the 2014 election in Oakland County is eight years.**
- **Specify that a temporary reduction in the number of circuit judgeship does not take effect unless the county board of commissioners adopts a resolution supporting the reduction.**
- **Specify that a resolution of approval from the county is not required for the restoration of a judgeship that is temporarily reduced for not more than six years.**

The bill took effect on January 5, 2010.

**Oakland County**

The Sixth Judicial Circuit consists of Oakland County and has 19 judges. Under the bill,

subject to Section 550 of the RJA (described below), the Sixth Circuit will 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 must be that of a judge who is not eligible to run for re-election due to constitutional limitation.

In the 2014 election, the initial term of office of the judgeship being restored will be eight years.

**Macomb County**

The 16<sup>th</sup> Judicial Circuit consists of Macomb County and has 13 judges. Under the bill, subject to Section 550, the 16<sup>th</sup> Circuit will have 12 judges during the period beginning at noon on January 1, 2011, and ending at noon on January 1, 2017. The temporarily eliminated judgeship must be that of a judge who is not eligible to run for re-election due to constitutional limitation.

**County Approval**

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 State Court Administrator must immediately notify the Elections Division of the Department of State with respect to each new circuit judgeship authorized. The bill specifies that, if a circuit judgeship is permitted by law to be authorized without a resolution being adopted by the county board of commissioners, the State Court Administrator immediately must notify the Elections Division with respect to each of those new circuit judgeships authorized.

The RJA states that, by permitting an additional judgeship under the Act, the Legislature does not create the judgeship, but a county's approval creates an additional circuit judgeship. The bill also specifies that the Legislature does not create a judgeship by restoring a judgeship after a temporary reduction in judgeships.

Under the bill, if the number of judgeship in a judicial circuit is temporarily reduced by law for a period of up to six years and then restored to the number of judgeship that existed before the reduction, the restored judgeships are not considered additional circuit judgeship for purposes of Section 550, and a resolution of approval of the county board of commissioners is not required.

A temporary reduction in the number of circuit judgeship in a judicial circuit, however, may not take effect unless both of the following occur:

- Each county in the circuit, by resolution adopted by the county board of commissioners, supports the temporary reduction.
- The clerk of each county adopting a resolution files a copy of the resolution with the State Court Administrator by 4 p.m. of the 16<sup>th</sup> Tuesday before the August primary would have been held for the judgeship that is being eliminated.

A resolution supporting the temporary reduction of circuit judgeships that was filed before the bill's effective date is valid if the filing occurred within the two-year State legislative session during which the bill was enacted.

The bill requires the State Court Administrator to notify the Elections Division

immediately with respect to either a temporary reduction in the number of judgeships in a judicial circuit or the restoration of the number of judgeships in a judicial circuit, after a temporary reduction in that number.

MCL 600.507 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill will result in annual savings to the State, Oakland County, and Macomb County. Annual State savings will total \$158,563.78 for each vacant judgeship. 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 include the judges' fringe benefits, the cost of court personnel, and the cost of equipment. Oakland County estimates its annual savings at \$450,000. Macomb County estimates annual savings at \$570,000.

Fiscal Analyst: Bill Bowerman

### **S0910\S851es**

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.