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BILL



ANALYSIS

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Senate Bill 1351 (as enrolled)  
Sponsor: Senator John Pappageorge  
Senate Committee: Judiciary  
House Committee: Judiciary

Date Completed: 1-7-13

### **CONTENT**

**The bill would amend the Revised Judicature Act (RJA) to do the following:**

- **Provide for the reorganization of three judicial districts in Oakland County.**
- **Revise the time frame for eliminating one judgeship in each district of the Court of Appeals.**

#### Oakland County District Courts

Currently, the 44<sup>th</sup> District consists of the City of Royal Oak and has two judges. Under the bill, beginning on January 2, 2015, the district would consist of the Cities of Royal Oak and Berkley and have three judges. Beginning on January 3, 2015, the district would have two judges effective on the earlier of the following dates:

- The date on which a vacancy occurred in the office of district judge in the 44<sup>th</sup> District.
- The beginning date of the term for which an incumbent district judge in the 44<sup>th</sup> District no longer sought election or re-election to that office.

Following that reduction, the 44<sup>th</sup> District would have one judge as of the date on which a vacancy occurred or the beginning date of the term for which an incumbent judge in the district no longer sought election or re-election to that office, whichever was earlier.

The bill also would re-establish the 45<sup>th</sup>-A District. (Public Act 37 of 2012 abolished

the 45<sup>th</sup>-A and 45<sup>th</sup>-B Districts, effective July 1, 2012. The 45<sup>th</sup>-A District consisted of the City of Berkley and had one judge, and the 45<sup>th</sup>-B District consisted of the Cities of Huntington Woods, Oak Park, and Pleasant Ridge and the Township of Royal Oak, and had two judges. Public Act 37 also combined the affected local units in a new 45<sup>th</sup> District, with three judges.)

Under the bill, the 45<sup>th</sup>-A District again would consist of the City of Berkley, with one judge, and the remaining 45<sup>th</sup> District would be reduced to two judgeships. The new 45<sup>th</sup>-A District would be abolished on January 2, 2015, and the judge of that district would become a judge of the 44<sup>th</sup> District (which would include Berkley as of January 2, 2015). The person who served as judge of the previous 45<sup>th</sup>-A District on June 30, 2012, or his or her successor, would serve as judge of the new 45<sup>th</sup>-A district until it was abolished. For purposes of the November 2014 general election only, the term of the person elected to that office would be eight years.

Any physical reorganization required to accomplish the reorganization of district boundaries under the bill would have to be completed by January 1, 2021.

#### Court of Appeals

The State is divided into four judicial districts for the election of judges of the Court of Appeals. Each district is entitled to seven judges but, beginning on the date as determined under Section 303a of the RJA, each district is entitled to six judges.

Under Section 303a, if there were more than six Court of Appeals judgeships in a district on March 25, 2012, and there were no judgeships to be eliminated by a vacancy on that date, one judgeship must be eliminated from the district at the *end* of the term for which an incumbent judge of the Court of Appeals does not seek election or reelection to that office, until there are six incumbent judges in that district. The bill provides instead that one judgeship would be eliminated from the district at the *beginning* of the term for which an incumbent judge did not seek election or reelection to that office.

MCL 600.302 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate but likely minor fiscal impact on State and local government. The bill would not result in any change to the long-run number of district court judgeships, which have the salaries and defined contribution retirement benefits funded by the State; rather, it simply would alter the manner through which the consolidation process would occur. Due to the alteration in the consolidation process, it is possible that the reduction of judgeships via attrition could be delayed or accelerated. The actual timing of attrition of judgeships depends on events that cannot be known at this time. Over time, the number of judgeships serving the community consisting of the Cities of Royal Oak, Berkley, Huntington Woods, Oak Park, and Pleasant Ridge, and the Township of Royal Oak will be reduced to three from the current five, and that overall reduction of two judgeships by attrition would remain unchanged under this bill.

The bill also would have limited impact on local governments. The consolidation process could require some upfront administrative costs associated with merging facilities, staff, and technology. However, these potential minor costs of consolidation and reorganization also are present under the law as previously altered by Public Act 37 of 2012.

Fiscal Analyst: Dan O'Connor