



Senate Fiscal Agency
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Senate Bill 1136 (as introduced 11-6-14)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

Date Completed: 11-12-14

CONTENT

The bill would amend the Revised Judicature Act to require the clerk of the 36th district court to pay certain funds to the district court rather than to the Wayne County Retirement System, after the death of the last surviving bailiff of the court or the last surviving spouse of a bailiff or other beneficiary eligible for a bailiff's survivor benefits.

Under the Act, a person serving as a bailiff of the former common pleas court of Detroit on August 31, 1981, became a bailiff of the 36th district court on September 1, 1981. A vacancy in the office of bailiff may not be filled. The bailiffs who transferred from the former common pleas court to the 36th district court did not become members of the State Employees' Retirement System (SERS) but, beginning on September 1, 1981, the City of Detroit was required to contribute to the retirement system in which the bailiff was a member on August 31, 1981, an amount equal to the amount that the State would have contributed to SERS if the bailiff had become a member of that retirement system.

In addition, the court clerk must pay \$1 from each filing fee collected under Section 8371 of the Act, and \$1 from each filing fee collected for filing a summary proceeding under Section 5756 of the Act, to the Wayne County Retirement System to be credited to the retirement fund of the bailiffs of the 36th district court serving civil process. (Section 8371 prescribes filing fees for civil actions in the district court. Section 5756 prescribes filing fees in actions for the recovery of possession of premises.)

Under the bill, after the death of the last surviving bailiff to serve in the 36th district court or the death of the last surviving spouse or other beneficiary eligible for survivor's benefits from the Wayne County Retirement System because of his or her relationship to the bailiff, the court clerk would have to pay the portion of the filing fees described above to the 36th district court.

MCL 600.8322

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would increase revenue to the 36th district court. As of the September 30, 2013 (the date of the latest available report), there were three active participants in the retirement plan for bailiffs. The bill would have no fiscal impact on State government.

Fiscal Analyst: John Maxwell

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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.