



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 471 (Substitute S-3 as passed by the Senate)
Sponsor: Senator Dave Robertson
Committee: Judiciary

Date Completed: 11-16-15

RATIONALE

In 2004, the State Boundary Commission approved a petition brought by a property developer and the City of Fenton, in Genesee County, to annex to Fenton 9.7 acres of the Township of Holly, which is in Oakland County. According to the Boundary Commission's summary of its proceedings, the annexed portion was vacant at the time. Since the annexation, however, some housing has been developed and more may be completed at a later date. The annexation has led to uncertainty over which judicial district has jurisdiction over matters in the Oakland County parcels of the City of Fenton, and in which judicial election the residents of that area are entitled to vote. Fenton is included in the 67th Judicial District's fourth election division, but the section of the Revised Judicature Act establishing the 67th district specifies that it consists of the County of Genesee (except for the City of Flint). Holly Township is in the 52nd district, which includes several Oakland County municipalities, but the parcels that were annexed to Fenton in 2004 are no longer part of Holly Township. It has been suggested that the fourth division of the 67th district also should include the Oakland County portion of Fenton.

CONTENT

The bill would amend the Revised Judicature Act (RJA) to specify that the fourth division of the 67th Judicial District would include the City of Fenton.

The 67th Judicial District consists of Genesee County, except for the City of Flint. The district is divided into four election divisions. The fourth division consists of the Cities of Fenton, Grand Blanc, and Swartz Creek and the Townships of Argentine, Clayton, Fenton, Gaines, Grand Blanc, and Mundy.

If the governing bodies of Genesee County and the City of Flint approve by resolutions the consolidation of the 67th district and the 68th district (which consists of the City of Flint), the 68th district will be abolished and the 67th district will consist of Genesee County and be divided into five election divisions. As with the current 67th district, the fourth division will consist of the Cities of Fenton, Grand Blanc, and Swartz Creek and the Townships of Argentine, Clayton, Fenton, Gaines, Grand Blanc, and Mundy. The fifth division will consist of Flint.

Under the bill, the fourth division of the 67th district, either as it exists currently or as it may be consolidated with the current 68th district, would include the City of Fenton, which is located in both Genesee County and Oakland County.

The bill would take effect 90 days after its enactment.

MCL 600.8134

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The 67th Judicial District consists of most of Genesee County, including the City of Fenton. Since Fenton annexed a portion of Holly Township in 2004, however, the city includes some parcels of land that are located in the 52nd Judicial District in Oakland County. This has led to confusion over which court has jurisdiction over matters that arise in the Oakland County portion of Fenton, and in which judicial election residents of that area should vote. Genesee County evidently does not recognize the Oakland County portion of Fenton as part of the 67th district because the RJA specifies that the district consists of Genesee County, with the exception of Flint. Oakland County has continued to include the parcels that formerly were part of Holly Township in the 52nd district, but Oakland officials apparently would like statutory changes to include all of Fenton in the 67th district. By specifying that the 67th district would include the City of Fenton, which is located in both counties, the bill would address a confusing matter of local jurisdiction.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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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.