

SPLIT 56TH DISTRICT COURT

House Bill 5279 as passed by the House Second Analysis (1-9-98)

**Sponsor: Rep. Frank Fitzgerald
Committee: Judiciary**

THE APPARENT PROBLEM:

Currently, the 56th District Court consists of Barry and Eaton counties, and is divided into two election divisions, with the first division consisting of Barry County (with one judge) and the second division consisting of Eaton County (with two judges). However, when the district court was created in 1968 (by Public Act 154 of 1968), the 56th district consisted of Barry and Eaton counties, with two judges who covered both counties. Public Act 164 of 1978 created two election divisions within the 56th district, with one judge in Barry County and two judges in Eaton County. Although the configuration of the district has not changed, reportedly the two counties have effectively acted as though they had their own district courts, and legislation has been introduced that would reflect current practice in the two counties.

THE CONTENT OF THE BILL:

The 56th district court consists of Barry and Eaton counties, with Barry County composing the first division of the district with one judge, and Eaton County composing the second division, with two judges. The bill would split the district into the 56th-A district (consisting of Eaton County alone, with two judges) and the 56th-B district (consisting of Barry County alone with one judge).

The creation of the two districts would not take place unless each county filed resolutions of approval with the state court administrator by April 1, 1998, at which time the change in the composition of the affected judicial districts would take effect for election purposes. On January 1, 1999, if the two new districts were created (and so long as they continued to meet other eligibility -- including residency -- requirements for district judges), the current judge in Barry County whose term expires on January 1, 2001 would become the judge of the 56th-B district court for the balance of his or her term, while the current judge in Eaton County whose term expires on January 1, 2003, would become a judge of the 56th-A district for the balance of his or her term. If the incumbent judge in Eaton County whose term expires on January 1, 1999 sought reelection (and met all other district court judge requirements) to serve in the 56th-A district court, he or she would be entitled to the

designation of his or her office on the 1998 August primary election and November general election ballots.

MCL 600.8126

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill as introduced (the House Committee amendment changed only the dates of the primary and general elections from 1996 to 1999), would have no fiscal impact on the state. Since, moreover, the 56th District Court currently effectively operates as two separate courts with unique funding units, the proposed division is expected to have a neutral local fiscal impact. (10-20-97)

ARGUMENTS:

For:

Apparently, when the 56th district was first created with the establishment of the district court by Public Act 154 of 1968, Barry County did not have enough population or case volume to justify having its own separate district court, so the 56th district's two judges covered both counties. However, by 1978, the 56th district had grown enough that it was statutorily divided into two election divisions (by Public Act 164 of 1978) and a third judge was added. Reportedly, the two counties also shared two circuit judges until 1989. However, apparently the two counties have operated for a number of years as though they consisted of two distinct district courts each funded by its own county, and the bill would simply formalize in law current practice.

POSITIONS:

There are no positions on the bill.

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.