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SFA



BILL ANALYSIS

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Senate Bill 747 (Substitute S-1 as passed by the Senate)
Senate Bill 834 (Substitute S-1 as passed by the Senate)
House Bill 5220 (Substitute S-1 as reported)
House Bill 5279 (Substitute S-1 as reported)
Sponsor: Senator Jon Cisky (Senate Bill 747)
 Senator Joel D. Gougeon (Senate Bill 834)
 Representative Michael Nye (House Bill 5220)
 Representative Frank Fitzgerald (House Bill 5279)
Senate Committee: Judiciary
House Committee: Judiciary (House Bills 5220 & 5279)

Date Completed: 2-2-98

RATIONALE

In the second, 56th, 65th, and 73rd judicial districts, each district encompasses two full counties. Each of those districts also is divided into two election divisions, with one county constituting each division. Apparently, all of these divisions have essentially been operating as separate districts, with separate funding and administrative policies and procedures. Some people believe that each of the districts should be split into two distinct districts that would reflect their current operating practices.

CONTENT

Senate Bills 747 (S-1) and 834 (S-1) and House Bills 5220 (S-1) and 5279 (S-1) would amend the Revised Judicature Act to split into two districts, with local approval, each of the following current judicial districts:

- The 65th district, which consists of Gratiot and Clinton Counties.
- The 73rd district, which consists of Huron and Sanilac Counties.
- The second district, which consists of Lenawee and Hillsdale Counties.
- The 56th district, which consists of Barry and Eaton Counties.

Senate Bill 747 (S-1)

The 65th judicial district presently consists of the Counties of Gratiot and Clinton, is a district of the first class, and is divided into two election districts.

The first division consists of Gratiot County and has one judge; the second division consists of Clinton County and has one judge.

Under the bill, effective January 1, 1999, if Clinton County approved the creation of the 65th-A district, and if Gratiot County approved the creation of the 65th-B district, the 65th-A district would consist of the County of Clinton and have one judge and the 65th-B district would consist of the County of Gratiot and have one judge. Each would be a district of the first class.

The bill specifies that the creation of the two new districts could not take place unless resolutions of approval by the county boards of commissioners were filed with the State Court Administrator by April 1, 1998. If the new judicial districts were created, the change in the composition of the districts would take effect for judicial purposes on January 1, 1999.

If the new districts were created, the incumbent judge who resides in Clinton County and whose term expires on January 1, 2003, would become a judge of the 65th-A district on January 1, 1999, for the balance of the judge's elected term. The incumbent judge who resides in Gratiot County and whose term expires on January 1, 2003, would become a judge of the 65th-B district on January 1, 1999, for the balance of the judge's elected term. Both judges would have to continue to meet other requirements for eligibility, including residency

requirements.

Senate Bill 834 (S-1)

The 73rd judicial presently district consists of the Counties of Huron and Sanilac, is a district of the first class, and is divided into two election divisions. The first division consists of Huron County and has one judge; the second division consists of Sanilac County and has one judge.

Under the bill, effective January 1, 1999, if Sanilac County approved the creation of the 73rd-A district, and if Huron County approved the creation of the 73rd-B district, the 73rd-A district would consist of the County of Sanilac and have one judge and the 73rd-B district would consist of the County of Huron and have one judge. Each would be a district of the first class.

The bill specifies that the creation of the two new districts could not take place unless resolutions of approval by the county boards of commissioners were filed with the State Court Administrator by April 1, 1998. If the new judicial districts were created, the change in the composition of the districts would take effect for judicial purposes on January 1, 1999.

If the new districts were created, the incumbent judge who resides in Sanilac County and whose term expires on January 1, 2003, would become a judge of the 73rd-A district on January 1, 1999, for the balance of the judge's elected term. The incumbent judge who resides in Huron County and whose term expires on January 1, 2003, would become a judge of the 73rd-B district on January 1, 1999, for the balance of the judge's elected term. Both judges would have to continue to meet other requirements for eligibility, including residency requirements.

House Bill 5220 (S-1)

The second judicial district presently consists of the Counties of Lenawee and Hillsdale, is a district of the first class, and is divided into two election divisions. The first division consists of Lenawee County and has two judges; the second division consists of Hillsdale County and has one judge.

Under the bill, effective January 1, 1999, if Lenawee County approved the creation of the second-A district, and if Hillsdale County approved the creation of the second-B district, the second-A district would consist of the County of Lenawee and have two judges and the second-B district would

consist of the County of Hillsdale and have one judge. Each would be a district of the first class.

The bill specifies that the creation of the two new districts could not take place unless resolutions of approval by the county boards of commissioners were filed with the State Court Administrator by April 1, 1998. If the new judicial districts were created, the change in the composition of the districts would take effect for election purposes on April 1, 1998, and for judicial purposes on January 1, 1999.

If the new districts were created, the incumbent judge who resides in Hillsdale County and whose term expires on January 1, 2003, would become a judge of the second-B district as of January 1, 1999, for the balance of the judge's elected term. The incumbent judge in Lenawee County whose term expires on January 1, 2003, would become a judge of the second-A district on January 1, 1999, for the balance of the judge's elected term. Both those judges would have to continue to meet other requirements for eligibility, including residency requirements.

If the incumbent judge in Lenawee County whose term expires on January 1, 1999, sought election in the new second-A district for a term beginning on that date and met eligibility requirements to serve as district judge, including residency requirements, that judge would be entitled to the designation of his or her office on the ballot in the August 1998 primary and the November 1998 general elections. The incumbent judge could qualify for nomination by filing an affidavit of candidacy as an incumbent judge of the second-A district as provided in the Michigan Election Law.

House Bill 5279 (S-1)

The 56th judicial district presently consists of the Counties of Barry and Eaton, is a district of the first class, and is divided into two election divisions. The first division consists of Barry County and has one judge; the second division consists of Eaton County and has two judges.

Under the bill, effective January 1, 1999, if Eaton County approved the creation of the 56th-A district, and if Barry County approved the creation of the 56th-B district, the 56th-A district would consist of Eaton County and have two judges and the 56th-B district would consist of Barry County and have one judge. Each would be a district of the first class.

The bill specifies that the creation of the two new

districts could not take place unless resolutions of approval by the county boards of commissioners were filed with the State Court Administrator by April 1, 1998. If the new judicial districts were created, the change in the composition of the districts would take effect for election purposes on April 1, 1998, and for judicial purposes on January 1, 1999.

If the new districts were created, the incumbent judge who resides in Barry County and whose term expires on January 1, 2001, would become a judge of the 56th-B district on January 1, 1999, for the balance of the judge's elected term. The incumbent judge in Eaton County whose term expires on January 1, 2003, would become a judge of the 56th-A district on January 1, 1999, for the balance of the judge's elected term. Both those judges would have to continue to meet other requirements for eligibility, including residency requirements.

If the incumbent judge in Eaton County whose term expires on January 1, 1999, sought election in the new 56th-A district for a term beginning on that date and met eligibility requirements to serve as district judge, including residency requirements, that judge would be entitled to the designation of his or her office on the ballot in the August 1998 primary and the November 1998 general elections. The incumbent judge could qualify for nomination by filing an affidavit of candidacy as an incumbent judge of the 56th-A district as provided in the Michigan Election Law.

MCL 600.8132 (S.B. 747)
600.8138 (S. B. 834)
600.8112 (H.B. 5220)
600.8126 (H.B. 5279)

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 second, 56th, 65th, and 73rd judicial districts should each be divided into two separate district, reflecting the current districts' divisions. In each case, the district court divisions operate essentially as distinct districts: they are funded by the county that they serve and each court has its own administrative structure and scheduling system. The bills merely would codify in statute the courts' current operating structure. All eight counties involved reportedly have already adopted

resolutions in support of the bills' proposed splits and transmitted resolutions to that effect to the State Court Administrative Office.

Supporting Argument

The bills would facilitate more efficient lines of communications between court officials and county officials. Currently, in each of the two-county districts, one chief judge must coordinate funding issues with two county boards of commissioners. Under the bills, since the districts would be split by county, each county would have its own chief district judge who would have to communicate only with that county's board.

Legislative Analyst: P. Affholter

FISCAL IMPACT

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

Fiscal Analyst: B. Bowerman

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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.