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BILL ANALYSIS

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House Bill 5220 (Substitute H-1 as passed by the House)
House Bill 5279 (as passed by the House)
Sponsor: Representative Michael Nye (House Bill 5220)
Representative Frank Fitzgerald (House Bill 5279)
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 1-26-98

CONTENT

House Bills 5220 (H-1) and 5279 would amend the Revised Judicature Act (RJA) to split into two districts the current second district, which consists of Lenawee and Hillsdale Counties, and the current 56th district, which consists of Barry and Eaton Counties, with local approval.

House Bill 5220 (H-1)

The second judicial district consists of the Counties of Lenawee and Hillsdale, is a district of the first class, and is divided into two 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, 1998, 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 December 1, 1997. If the new judicial districts were created, the change in the composition of the districts would take effect for judicial purposes on January 1, 1998.

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, 1998, for the balance of the judge's elected term. The two judges who reside in Lenawee County and whose terms expire on January 1, 1999, and January 1, 2003, respectively, would become judges of the second-A district as of January 1, 1998, for the balance of the judges' elected terms. All three judges would have to continue to meet other requirements for eligibility, including residency requirements.

House Bill 5279

The 56th judicial district 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 600.8112 (H.B. 5220)
600.8126 (H.B. 5279)

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.