



BILL ANALYSIS

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Senate Bill 173 (Substitute S-2)**Sponsor: Senator Joe Conroy****Committee: Finance****Date Completed: 6-4-87*****RATIONALE***

The Genesee County Board of Commissioners is engaged in negotiations to purchase a vacant department store in downtown Flint, which is the county seat, for renovation into a court and office complex. The plan would house the county's Probate Court, the 68th District Court (whose jurisdiction is the city of Flint), and the 67th District Court (consisting of Genesee County, except for Flint), in the renovated building. The county now pays \$23,000 per month rent to house the 67th District Court in Burton, up from the \$12,450 it paid before its lease was recently renewed. According to testimony before the Senate Finance committee, the Board of Commissioners has decided not to buy the Burton building or continue the lease. In addition to Burton, the court currently sits in Flushing, Fenton, Mt. Morris, Davison, and Grand Blanc. Some of the judges in the 67th District Court oppose locating the court in the proposed downtown location, and have pointed out that, under State law, the court cannot be relocated without their consent.

The Revised Judicature Act requires that district courts be located in areas specified in the Act, according to populations of local units of government and the proximity of local units to county seats. Currently, in second class districts (which include the 67th District) the court may sit at the county seat only if the county board of commissioners, and a majority of the district's judges, approve.

Proponents of the renovation of the department store into offices and courts say that without the participation of the 67th District Court the project will not be feasible, and will stall a major economic development in the downtown area. It has been proposed that that portion of the Revised Judicature Act that addresses the 67th District Court be amended to allow the Genesee County Board of Commissioners to decide whether the 67th District Court will sit in downtown Flint in addition to its other locations in the county.

CONTENT

The bill would amend the Revised Judicature Act to require the 67th District Court to sit at the county seat of its district, if approved by resolution of the county board of commissioners. The bill specifies that adoption of the resolution would not require the approval of the majority of the district's judges. The county would be required, upon approval of the resolution, to maintain a court facility in each municipality where there was a facility on the date of the resolution.

The 67th District Court consists of Genesee County, except the city of Flint.

MCL 600.8251

FISCAL IMPACT

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

ARGUMENTS***Supporting Argument***

The bill would affect only the 67th District Court and settle a dispute that threatens a major economic development in downtown Flint. The Genesee County Board of Commissioners, in cooperation with the city, is attempting to purchase a large department store that has been vacant since 1960, for the purpose of renovating the building to house the Probate Court, the 68th District Court, and the 67th District Court. Because of a provision in the Revised Judicature Act that requires a majority of the commissioners and a majority of the district judges to decide upon the location of certain courts, and because some of the 67th District Court judges oppose locating a court in downtown Flint, the future of the project has been thrown into doubt.

The proposed downtown location is good plan that would provide several benefits: a central location in the county to serve residents better long-term savings to the county because it would own, rather than pay high rent on a facility; pooling of county resources in one place; and, putting to good use a large vacant structure. The bill would ensure that those elected officials responsible for using the taxpayers' money in the best manner, the board of commissioners, rather than a handful of disgruntled judges would have the final say on court location.

Opposing Argument

The plan ignores the out-county population of Genesee County. The law that requires court location to be jointly agreed upon by the board of commissioners and the judges is in place so that locations are decided not only from the perspective of the commissioners, and the possible political pressures they face, but with input from the judges with an eye toward judicial needs. Having local courts has a long tradition, and advantages for all the people of an area, and this bill would threaten that concept.

Response: The bill would do nothing to destroy out-county court activity, but instead would require that the county maintain court facilities in each municipality that has a facility on the date when the commissioners vote to place a facility in downtown Flint. Thus, the bill would address the concerns of the judges while accommodating the interests of the county.

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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.

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