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SPLIT 56TH DISTRICT COURT

House Bill 5279 as enrolled
Public Act 14 of 1998
Third Analysis (9-8-98)

Sponsor: Rep. Frank Fitzgerald
House Committee: Judiciary
Senate Committee: Judiciary

THE APPARENT PROBLEM:

Currently, the 56th District Court consists of Barry and Eaton counties, and is divided into two election divisions. The first election division consists of Barry County, with one judge, and the second division consists of Eaton County, with two judges. 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 is a first class district (that is, a district comprising one or more counties) that consists of Barry and Eaton counties. Barry County composes the first election division of the district, with one judge, and Eaton County composes the second division, with two judges. The bill would split the district into two new districts, 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, the current (and only) judge in Barry

County would become the judge of the newly created 56th-B district court and the Eaton County judge whose term expires January 1, 2003 would become a judge of the 56th-A district court for the balances of their terms and so long as they continued to meet the other eligibility requirements for district judges, including the residency requirements. If the other incumbent Eaton County judge (whose term expires January 1, 1999) sought reelection and met all other district court judge requirements, he or she would be entitled to the designation "incumbent" on both the 1998 August primary election and November general election ballots.

MCL 600.8126

BACKGROUND INFORMATION:

Three other bills were enacted this session to implement similar divisions in existing district courts that consist of two counties each with two election districts each. Public Act 13 (enrolled House Bill 5220) divided the 2nd district (Lenawee and Hillsdale counties), Public Act 46 (enrolled Senate Bill 834) divided the 73rd district (Huron and Sanilac counties), and Public Act 47 (enrolled Senate Bill 747) divided the 65th district (Grafton and Clinton counties).

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 1998), 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)

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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 covered both Barry and Eaton counties, with two district judges. (Reportedly, the two counties also shared two circuit judges until 1989.) By 1978, the 56th district had grown enough that it was statutorily divided into two election divisions, one covering each county, and a third judge was added. Like other two-county districts (such as the 2nd, 65th, and 73rd districts), 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 each with its own operating and administrative procedures. Like other legislation this session (see BACKGROUND INFORMATION), the bill would simply formalize, in statute, current practice.

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.