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SFA**BILL ANALYSIS**

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House Bill 5279 (Substitute S-1 as reported)
Sponsor: Representative Frank Fitzgerald
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to split into two districts, with local approval, the current 56th judicial district. The district presently consists of Barry and Eaton Counties, 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 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 600.8126

Legislative Analyst: P. Affholter

FISCAL IMPACT

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

Date Completed: 1-28-98

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.