



CHANGE COURT BOUNDARIES

**House Bill 5674 as enrolled
Public Act 92 of 2002
Second Analysis (7-18-02)**

**Sponsor: Rep. Ken Bradstreet
House Committee: Civil Law and
Judiciary
Senate Committee: Judiciary**

THE APPARENT PROBLEM:

Historically, the boundaries for multi-county judicial circuits, district court districts, and probate court districts in Northern Michigan were aligned. However, during the 1970s and since then, uneven caseload growth has resulted in changes in those boundary lines. For example, a county may be aligned with one set of neighboring counties for purposes of the circuit court, while being located with different neighbors in a district or probate court district. With the creation of the family division of the circuit court as part of a major court reorganization plan adopted in 1996, it has been suggested that the differing boundaries have complicated planning and implementing the new court entities. Governor Engler has proposed a plan to align the boundaries of multi-county court districts in Northern Michigan.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act to change the boundary lines of six judicial circuits and six judicial districts so that the boundaries of multi-county circuit and district court districts are aligned, effective April 1, 2003. In addition, the bill would provide that three currently part-time probate court judges, in Arenac, Kalkaska, and Crawford Counties, would have the power, authority, and title of a district court judge within their respective counties, in addition to the power, authority, and title of a probate court judge. These three probate court judges would then be full-time judges, receiving a full-time salary, and would be prohibited from practicing law other than as a judge.

- Alger, Luce, Schoolcraft, and Mackinac Counties. The 11th judicial circuit currently consists of Alger, Luce, and Schoolcraft Counties and has one judge. The bill would move Mackinac County from the 50th judicial circuit to the 11th circuit. (The 92nd judicial district consists of Mackinac and Luce Counties, and

the 93rd judicial district consists of Alger and Schoolcraft Counties; these would be unchanged under the bill.)

- Alcona, Iosco, Oscoda, and Arenac Counties. The 23rd judicial circuit currently consists of Iosco and Oscoda Counties and has one judge. The bill would add Arenac County to the 23rd circuit (removing it from the 34th judicial circuit), and also would add Alcona County (removing it from the 26th judicial circuit). The bill would also add one judgeship, which the bill specifies would be the incumbent judge residing in Arenac County with a term ending January 1, 2009. For the November 2008 general election only, the candidate for circuit judge receiving the highest number of votes would be elected for an 8-year term, and the candidate with the second highest number of votes would be elected for a 6-year term. (The 26th judicial circuit would lose one judgeship, beginning whenever a vacancy occurs, or on January 1, 2005, whichever is earlier.)

In addition, the bill would add Alcona and Oscoda Counties to the 81st District Court (removing them from the 82nd district). The 81st district would then consist of Alcona, Arenac, Iosco, and Oscoda Counties and have one judge. And, the bill would specify that the probate court judge of Arenac County would become a full-time judge.

- Cheboygan and Presque Isle Counties. Currently, the 53rd judicial circuit consists of Cheboygan County. The bill would add Presque Isle County to the 53rd circuit, moving it from the 26th judicial circuit.

- Otsego, Kalkaska, and Crawford Counties. The 87th judicial district currently consists of Kalkaska and Otsego Counties and has one judge. The bill would move Crawford County from the 83rd judicial district to the 87th district. Further, the bill would provide that

the probate court judges of Kalkaska and Crawford Counties would become full-time judges.

• Mason and Lake Counties; Oceana and Newaygo Counties. The 79th judicial district currently consists of Oceana and Mason Counties, and the 78th judicial district currently consists of Newaygo and Lake Counties. The bill would move Lake County from the 78th district to the 79th, and move Oceana County from the 79th to the 78th judicial district.

Local approval provisions not effective. The act currently provides that if a new judicial circuit or judicial district is created by law, the new districts and any additional judgeships proposed are not authorized or filled by election unless approved by the affected local governmental units. The bill specifies that this requirement for local approval would not apply in the case of the boundary changes and changes in judgeships proposed by the bill.

Repealer. The bill would repeal Section 9948 of the act, an outdated section that was added to address concerns about the merger of Detroit Recorder’s Court into the 3rd judicial circuit.

MCL 600.512 et al.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bill would create coterminous boundaries – in fact, it would restore boundaries that once existed – and facilitate local use of judicial resources in the most efficient and economical manner. It would facilitate future combinations of judicial functions that may be proposed. The governor has said that the plan “creates great opportunities for improved service delivery to families, better use of judicial resources, and administrative simplification”.

Against:

The bill would create two 4-county circuits, one with only one judge. These two circuits would each cover many miles, requiring people to drive great distances for court services. Distance and growing caseloads were factors considered when the legislature over the years drew the current court boundary lines. This legislation ignores the lessons that were learned from past experiences.

What is more, these changes are not supported by those who would be most affected. According to news reports, four counties in northeastern Michigan are suing to block the implementation of the bill. It is charged that the redrawn boundaries would destroy partnerships that have produced effective programs dealing with drugs, crime, and family problems.

Analyst: D. Martens

■ 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.