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SFA**BILL ANALYSIS**

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House Bill 4078 (Substitute H-2 as reported without amendment)
Sponsor: Representative Scott Hummel
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-6-03

RATIONALE

Michigan has 54 judicial districts of the first class (in which each county comprising a district is responsible for financing and operating the district court in that county). These districts encompass 76 of the State's 83 counties. Under the Revised Judicature Act (RJA), in districts of the first class, the court must sit at each county seat as well as each city having a population of 3,250 or more, except the court is not required to sit at any city that is contiguous either to the county seat or to a city with a greater population. This requirement, which dates to the 1968 establishment of the district court, apparently was a result of a compromise between those advocating greater accessibility to courts and those promoting judicial efficiency. Reportedly, the desire was to strike a balance that ensured both that residents living in the most remote areas of a county had reasonably convenient access to a court, and that courts could use their resources wisely, without unduly burdensome mandates on where they would conduct court business. Some people now believe that balancing accessibility and efficiency by this measure may be outdated. Indeed, in some districts, courts simply do not meet the requirement to sit in certain cities and, in some districts where the court does comply with the requirement, doing so is viewed as a drain on limited resources. It has been suggested that the court location requirement for districts of the first class be revised.

CONTENT

The bill would amend the Revised Judicature Act to change requirements pertaining to the locations where a district court must sit in a district of the first class.

The RJA requires that district courts in judicial districts of the first class sit at each county seat and at each city having a population of 3,250 or more, unless such a city is contiguous to the county seat or to a city having a greater population. The bill specifies instead that, in addition to sitting at each county seat, in districts of the first class consisting of one county with a population of 130,000 or more, the court would have to sit at each city having a population of 6,500 or more, except for a city that was contiguous either to the county seat or to a city with a greater population.

(For purposes of court location requirements, "population" means the population according to the most recent Federal decennial census, except that the most recent census does not apply until 18 months after it is taken.)

MCL 600.8251

BACKGROUND

First-Class District Court Locations

Under current law, courts in 24 of Michigan's 54 districts of the first class are required to sit in a total of 38 cities other than county seats. Ten of the first class districts consist of one county having a population of at least 130,000. Under the bill, in four of these districts, the court would be required to sit in a total of six cities other than county seats.

The table below shows the 24 districts in which courts presently are required to sit in cities other than the county seat; the cities other than the county seat where the court must sit under current law; and the cities other than the county seat where the court would have to sit under the bill.

Judicial Districts of the First Class

District	County or Counties	Current Law	H.B. 4078 (H-2)
		Cities other than Co. Seat	Cities other than Co. Seat
2A	Lenawee	Tecumseh	None
3B	St. Joseph	Sturgis & Three Rivers	None
4	Cass	Dowagiac	None
5	Berrien	Buchanan & Niles	Niles
7	Van Buren	South Haven	None
10	Calhoun	Albion & Battle Creek	Albion & Battle Creek
53	Livingston	Brighton	Brighton
56A	Eaton	Eaton Rapids & Grand Ledge	None
57	Allegan	Otsego, Plainwell, & Wayland	None
58	Ottawa	Coopersville, Holland, Hudsonville, & Zeeland	Holland & Hudsonville
64A	Ionia	Belding & Portland	None
64B	Montcalm	Greenville	None
65A	Clinton	DeWitt	None
65B	Gratiot	Alma	None
66	Shiawassee	Durand & Owosso	None
70	Saginaw	Frankenmuth	None
71A	Lapeer	Imlay City	None
72	St. Clair	Algonac, Marine City, & St. Clair	None
74	Bay	Essexville	None
78	Newaygo & Oceana	Fremont	None
90	Emmet & Charlevoix	Boyer City	None
94	Delta	Gladstone	None
96	Marquette	Ishpeming & Negaunee	None
98	Ontonagon & Gogebic	Ironwood	None

Judicial District Designation

The Revised Judicature Act designates judicial districts in Michigan as districts of the first, second, or third class. A district of the first class consists of one or more counties in which each county comprising the district is responsible for maintaining, financing, and operating the district court within its respective county. A district of the second class is a district that consists of a group of political subdivisions within a county and in which the county is responsible for maintaining, financing, and operating the district court. A district of the third class is a district that consists of one or more political

subdivisions within a county and in which each political subdivision comprising the district is responsible for maintaining, financing, and operating the district court within its respective political subdivision. (The RJA includes some exceptions to the financing provisions.)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The RJA's requirement that district courts in

districts of the first class sit in many cities, other than the county seat, that have a population of 3,250 or more is outdated and can result in the unwise use of resources. When the district court was established in 1968, this requirement apparently was included to ensure wide access to the courts. Advances in transportation and technology over the last 35 years, however, have made court access issues less of a concern. Also, other than excluding contiguous cities from this requirement, the RJA does not address the issue of requiring district courts to sit in cities that are in close proximity to one another. For instance, in Gratiot County, the court in District 65B is required to sit at Ithaca (the county seat) and at Alma, which is only seven miles away. Expecting those who use the court to travel to Ithaca rather than Alma should not restrict access to the district court.

In addition, the present requirement fails to reflect population growth over the last 35 years and into the future. As a city grows beyond the 3,250 threshold, the requirement that the court sit there is triggered. In many cases, district court and county officials consider the funding of additional court facilities and sessions to be an ill-advised use of limited resources. On the other hand, in some of the more populous counties that have district courts of the first class, it would be appropriate to require that the courts sit in some of the larger cities. For instance, in Calhoun County, the court in District 10 must sit at Marshall (the county seat), but Battle Creek is the largest city in the county by far. Having the court sit in some large communities, as well as the county seat, could be more convenient to citizens as well as the court.

By eliminating the current requirement and mandating instead that first-class district courts consisting of a single county with a population of at least 130,000 sit at cities, besides the county seat, with a population of 6,500 or more, the bill would update court location requirements enacted in 1968 and allow counties in first-class districts to allocate their court resources more efficiently.

Response: The RJA also provides that a court in a district of the first class must sit at other places determined by the judges of the district. Therefore, requiring any court location in statute other than the county seat is unnecessary. For instance, the court in

District 10 could continue to choose to sit at Battle Creek, in addition to Marshall, without a law mandating that it do so.

Supporting Argument

Removing the RJA's requirement that first-class district courts sit at cities with more than 3,250 people would eliminate the problem of noncompliance in some judicial districts. Since some counties view holding court sessions in those cities as an unwise use of funds and facilities, courts in many of those districts simply do not meet the current requirement. For instance, the court in District 3B in St. Joseph County is required to sit at Centreville (the county seat) as well as in Three Rivers and Sturgis, which are six and 10 miles from the county seat, respectively, but that court currently sits only at Centreville. Courts in districts of the first class should be relieved of this unnecessary and unenforced statutory requirement.

Opposing Argument

Rather than revise the court location requirement, perhaps the bill should authorize counties, as the funding unit for a district of the first class, to decide whether a court would sit in locations outside of the county seat and where. The RJA allows the funding units for district courts of the second class and third class to have some say in court locations. In second- and third-class districts, the court is not required to sit in any political subdivision, if the governing body of that subdivision and the court agree that the court should not sit there.

Response: Requiring courts in larger first-class districts to sit at certain locations, and continuing to allow district court judges to decide to sit elsewhere, would remain true to the original concept of balancing access and efficiency. Granting counties exclusive authority over where courts must sit could tip that balance away from ensuring convenient access to district courts, because, as the funding unit for the court, a county might limit it to sitting in one location when using additional locations might be optimal for that county.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government, and an indeterminate fiscal

impact on local governments. Under the bill, certain counties, which are the funding units for district courts, potentially could achieve savings by eliminating the costs of maintaining court space in multiple cities. However, as many of these counties have not been holding court in additional cities as currently required, the potential impact would be reduced. Savings also would be reduced if any courts currently sitting in multiple cities continued to do so despite the elimination of the requirement.

Fiscal Analyst: Bethany Wicksall

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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.