

SPLIT 2ND DISTRICT COURT

House Bill 5220 (Substitute H-1) First Analysis (10-22-97)

Sponsor: Rep. Michael Nye
Committee: Judiciary

THE APPARENT PROBLEM:

The district court act (Public Act 154 of 1968) created the 2nd District Court as a first class district consisting of Lenawee and Hillsdale counties, divided into two election divisions, with Lenawee County making up the first division (with two judges) and Hillsdale County making up the second division (with one judge). Reportedly, over the years since then, the two divisions of the 2nd District Court have evolved into two separate -- and separately funded -- district courts. Legislation has been introduced that would statutorily reflect current practice.

THE CONTENT OF THE BILL:

The bill would amend the district court act (MCL 600.8112) as follows. The 2nd judicial district consists of Lenawee and Hillsdale counties and is divided into two election divisions: the first division consists of Lenawee County, with two judges; the second division consists of Hillsdale County, with one judge.

Effective January 1, 1998, if Lenawee County approved the creation of the 2nd-A district and if Hillsdale County approved the creation of the 2nd-B district, the 2nd-A district would consist of Lenawee County (with two judges) and the 2nd-B district would consist of Hillsdale County (with one judge). The creation of the 2nd-A and 2nd-B districts would not take place unless each county filed a resolution of approval with the state court administrator by December 1, 1997. If the new districts were created, the change in the composition of the affected judicial districts would take effect for judicial purposes on January 1, 1998. If the 2nd-A and 2nd-B districts were created, the incumbent 2nd district judge who currently resides in Hillsdale County (and whose term expires on January 1, 2003) would become the 2nd-A district judge on January 1, 1998, for the balance of his or her elected term if he or she continued to meet other requirements (including residency) to serve as district judge; the two judges who currently reside in Lenawee County (and whose terms expire on January 1, 1999, and January 1, 2003, respectively) would become judges of the 2nd-A district on January 1, 1998, for the rest of their elected terms so long as they continued to

meet other requirements (including residency) to serve as district judge.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no state fiscal impact. And since the 2nd District Court currently effectively operates as two separate courts in the two counties with unique funding units, the proposed division of the court is expected to have a neutral local fiscal impact. (10-22-97)

ARGUMENTS:**For:**

In this era of court reorganization, it makes sense to statutorily reorganize the 2nd District Court. Reportedly, each of the 2nd district's two divisions are funded by the county each court serves, and each court has its own administrative structure and scheduling system. The two counties have passed resolutions approving the proposed division, and the bill would statutorily formalize the current operation of these courts.

POSITIONS:

In May and June 1997, respectively, Hillsdale County and Lenawee County passed resolutions of approval to separate the 2nd District Court into two first-class county-wide district courts in each county.

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.