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SFA**BILL ANALYSIS**

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Senate Bill 546 (as passed by the Senate)
Sponsor: Senator Dale L. Shugars
Committee: Judiciary

Date Completed: 10-8-97

RATIONALE

Since the statutory creation of the District Court in 1969, Kalamazoo County has been divided into two districts, one of which is divided into two election divisions. The Eighth District consists of Kalamazoo County, except for the Cities of Kalamazoo and Portage, and is a district of the second class with two judges. The county is the funding unit for the Eighth District Court. The Ninth District consists of the Cities of Kalamazoo and Portage, is a district of the third class, and is divided into two election divisions. The first division consists of the City of Kalamazoo and has four judges; the second division consists of the City of Portage and has one judge. The cities are the funding units for the Ninth District Court, and each maintains a facility and court staff. For many years, officials in Portage, the City of Kalamazoo, and Kalamazoo County, as well as court officials, have discussed consolidating the courts into one district with three election divisions. All parties involved--the cities, the county, the county's townships, and the courts--have agreed on a reformation proposal that would consolidate the courts, combining their administrative, business, and technology functions, while maintaining the current election districts, and turning over ownership of the courts' real and personal property to the county, which would be the funding unit of the consolidated court. Since the Revised Judicature Act specifies the districts of the District Court, the Kalamazoo County district courts cannot consolidate unless statutory changes are made.

CONTENT

The bill would amend the Revised Judicature Act to provide for the reformation of the current Eighth and Ninth District Courts, in Kalamazoo County, into three divisions of the Eighth District Court effective January 1, 1999. The reformation of the Eighth District could not take

place unless resolutions of approval by the Kalamazoo County board of commissioners, the Portage city council, and the Kalamazoo city commission were filed with the State Court Administrator before April 15, 1998.

Under the bill, effective January 1, 1999, if the County of Kalamazoo, the City of Portage, and the City of Kalamazoo approved the proposed reformation, the reformed Eighth District would consist of the entire County of Kalamazoo, would be a district of the first class, and would have seven judges. The reformed Eighth District would be divided into three election divisions. The first division would consist of the City of Kalamazoo and would have four judges; the second division would consist of the City of Portage and have one judge; and the third division would consist of Kalamazoo County, except for the Cities of Kalamazoo and Portage, and would have two judges.

If the Eighth and Ninth Districts were consolidated as allowed under the bill, the four judges whose terms expire on January 1, 2001, or January 1, 2003, would become judges of the Eighth District, as reformed by the bill, on January 1, 1999, for the balance of the terms for which the judges were elected. Each judge, however, would have to meet other requirements for eligibility to serve as a district judge, including residency requirements. If any of the three judges whose terms expire on January 1, 1999, sought reelection in the reformed Eighth District for a term beginning on January 1, 1999, and met other requirements for eligibility 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 November 1998 general election.

MCL 600.8117
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

Reformation of the Eighth and Ninth District Courts in Kalamazoo County into one district with three election divisions would provide for a more efficient, accessible, and cost-effective court system. Administration of the courts could be combined into one function, instead of the three currently operating, and one unit of government (the county) could serve as the funding unit for the district court rather than having three separate local funding units, as is currently the case. While those who would be involved with implementing the consolidation cannot guarantee an immediate cost savings in operating the courts as one unit, they have set a goal of reducing costs by 10% within three years. The savings are expected to arise as a result of combining the courts' technology and business functions.

Supporting Argument

The consolidation plan developed for the Kalamazoo County district courts has widespread support within the county. The governing bodies of the Cities of Kalamazoo and Portage, as well as the County of Kalamazoo, have all passed resolutions in support of court consolidation and filed those resolutions with the State Court Administrator. All seven judges in the two current districts have agreed to the reformation of the courts, and the Kalamazoo County Council of Governments, which is made up of representatives of the county's local units, has approved the plan. The consolidation plan reportedly addresses court personnel issues and provides for a continuity of benefits for court staff.

Supporting Argument

The consolidation plan would keep current election divisions intact, while combining the court jurisdictions, so that voters in the various election divisions would have the same voting power as under the current structure. Voters in the City of Kalamazoo would continue to elect four district court judges, those in Portage would continue to elect one judge, and the voters in the rest of the county would continue to elect two judges.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The consolidation of the Ninth District Court with the Eighth District would result in a shift in administrative and fiscal responsibility for the courts in the Cities of Kalamazoo and Portage from the cities to Kalamazoo County. The fiscal impact would be cost neutral since the cities (per agreement) would reimburse the county for the costs that are necessary for funding the courts. The local units have not yet determined whether there would be a reduction in court administrators. The bill also could lead to potential future savings for the operations of the three courts. The county's goal is to reduce cost by approximately 10% after the first three years of consolidation.

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.