

CONSOLIDATE 8TH AND 9TH DISTRICT COURTS

House Bill 4928 with committee amendments

Sponsor: Rep. Edward LaForge
Committee: Judiciary

Senate Bill 546 with House committee amendments

Sponsor: Sen. Dale Shugars
House Committee: Judiciary
Senate Committee: Judiciary

First Analysis (10-22-97)

THE APPARENT PROBLEM:

The district court act (Public Act 154 of 1968) created two districts in Kalamazoo County: the 8th district, which consists of Kalamazoo County except for the cities of Kalamazoo and Portage, and the 9th district, with two election divisions: the city of Kalamazoo, which composes the first election division, and the city of Portage, which composes the second election division. The 8th district court is funded by the county and has two judges; the first division of the 9th district court is funded by the city of Kalamazoo and has four judges (increased in 1974 from three judges), while the second division of the 9th district is funded by the city of Portage and has one judge.

Reportedly, for many years officials of these two district courts, the county, and the two cities have discussed consolidating the courts into a single district, keeping the current three election divisions and turning ownership of the courts' real and personal property over to the county, which would become the funding unit for the consolidated court. Legislation is needed to implement this proposed change.

THE CONTENT OF THE BILLS:

Currently, the 9th judicial district consists of the cities of Kalamazoo and Portage, with the rest of the county composing the 8th district, which has two district judges. The 9th district, with five district judges, is divided into two election divisions: the first division, which consists of the city of Kalamazoo and has four district judges, and the second division, which consists of the city of Portage with one district judge.

Effective January 1, 1998, and without changing the number of judges involved, House Bill 4928 would amend the district court act (MCL 600.8117) to consolidate the current 8th and 9th districts into a single 8th district with three elective divisions as follows:

** the first division, consisting of the city of Kalamazoo, with four judges;

** the second division, consisting of the city of Portage, with one judge; and

** the third division, consisting of the rest of Kalamazoo County, with two judges.

If the consolidation took place, the four current district judges whose terms expire either on January 1, 2001 or January 1, 2003 would become judges of the reformed 8th district on January 1, 1999 for the balance of their elected terms. Any of the three district judges whose terms expire on January 1, 1999 who sought re-election to the reformed 8th district (and who otherwise met the RJA's eligibility requirements, including residency) would be entitled to the designation of his or her office on the 1998 November general election ballot. The proposed consolidation wouldn't take place unless the county and the two cities filed resolutions of approval with the state court administrator by April 14, 1998.

The bill also would provide for a continuity of benefits for court staff and would prohibit new residency requirements of court employees. More specifically, under the bill, if the proposed court consolidation required a transfer of court employees or a change of employers, all employees of the former court employer

would be transferred to, and appointed as employees of, the new employer, with all of the rights and benefits they had held with their former court employer. No transferred employee would, by reason of the transfer, be placed in any worse position with respect to any terms and conditions of employment (including worker's compensation, pension, seniority, wages, sick leave, vacation, and health and welfare insurance) he or she had had under his or her former court employer, though the rights and benefits protected by the bill could be changed by future collective bargaining agreements (or, for employees not so covered, by benefit plans established and adopted by the new employer). The new employer would assume and be bound by any existing collective bargaining agreements and, except as otherwise allowed by such an agreement, would have to keep the employees covered by that agreement. Finally, a transfer of court employees would not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

Senate Bill 546 is identical to House Bill 4928.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency analysis of House Bill 4928 as introduced, the bill would not have any fiscal implications for the state. And though the bill would result in a shift in administrative and fiscal responsibility for the courts from the two city governments to the county government, because the cities reportedly have agreed to reimburse the county for the necessary costs of funding the courts, the net fiscal impact locally is expected to be zero. (10-15-97)

ARGUMENTS:

For:

Consolidating the two district courts into a single district court would allow these currently separate units to combine their administrative, business, and technology operations, thereby providing a more efficient and cost-effective court system. It also would protect the current court employees, and would preserve the current voting rights of the voters in the newly consolidated district. Reportedly, although savings cannot be guaranteed, those involved with the proposed consolidation have as a goal to reduce costs by ten percent after the first three years of consolidation, while at the same time providing for continuity of benefits for the court staffs involved. The bill also would protect the rights and benefits of current court employees who might be transferred to a new employer under the consolidation of the two district courts. Finally, the bill would effectively preserve the current election divisions, so that voters in the city of Kalamazoo would continue to elect four judges, those in

Portage would continue to elect one judge, and those in the rest of the county would continue to elect two judges. Since districts are established by statute, the bill is needed to do this.

Against:

Since the two bills are identical, one of the bills is not necessary. It is unlikely that both bills would be enacted, but even if both were enacted, the second bill to be signed by the governor would become law, thereby superseding the first to be signed.

POSITIONS:

In March 1997, the Kalamazoo County Board of Commissioners, the Kalamazoo City Commission, and the Portage City Council all passed resolutions approving the consolidation of the 8th and 9th district courts into a first-class, county-wide district court in Kalamazoo County.

In February 1997, the Kalamazoo County Council of Governments passed a resolution giving its support to consolidate the 8th and 9th district courts into a first-class, county-wide district court.

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