

Legislative Analysis



DIVIDE 87TH JUDICIAL DISTRICT

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Senate Bill 435 (Substitute H-1)

Sponsor: Sen. Tony Stamas

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 4-23-08

A SUMMARY OF SENATE BILL 435 AS REPORTED FROM HOUSE COMMITTEE 4-16-08

BACKGROUND INFORMATION:

The 87th judicial district consists of the counties of Crawford, Kalkaska, and Otsego, and has one judge. Currently, the judge who holds that position lives in Otsego County and handles district court cases only in that county; the probate judges in Crawford and Kalkaska handle both probate and district court cases in their respective counties under Public Act 92 of 2002, which granted them the jurisdiction, powers, duties, and title of a district judge within their respective counties in addition to the jurisdiction, powers, duties, and title of a probate judge. At the request of the three counties, legislation has been offered to essentially place in statute what has been the practice over the past several years. Reportedly, the current system has served the citizens of all three counties well, has resulted in cost efficiencies, and has allowed for quicker service by the courts. The bill is expected to be cost neutral to the state.

CONTENT OF THE BILL:

Senate Bill 435 would amend the Revised Judicature Act to, in effect, divide the 87th judicial district into three new judicial districts, if the County of Otsego approves the reformation of the district.

Specifically, if the County of Otsego - acting through its governing body - approved the reformation of the 87th judicial district to consist of the County of Otsego with one district judgeship, the approval would constitute an exercise of the district funding unit's option to provide a new activity or service or to increase the level of activity or service offered in the district funding unit beyond that required by existing law (as defined by Public Act 101 of 1979). The approval would also constitute a voluntary acceptance by the district funding unit of all expenses and capital improvements that could result from reformation of the district. However, the county's option to approve the reformation would not affect the state's obligation to pay the same portion of each judge's salary that is paid to other district judges under current law, nor would it affect the state's obligation to appropriate and disburse funds to the district funding unit for the necessary costs of state requirements established by a state law which became effective on or after December 23, 1978.

If the County of Otsego approved the reformation of the 87th judicial district, all of the following would then apply:

- The 87th-A district would consist of the County of Otsego, and would have one judge. The judge of the 87th district at 11:59 p.m. on January 1, 2009, who resided in Otsego County, would serve as judge of the 87th-A district for the balance of the term to which he or she was elected or appointed judge of the 87th district.
- The 87th-B district would consist of the County of Kalkaska, and the probate judge of Kalkaska County would serve as judge of the 87th-B district.
- The 87th-C district would consist of the County of Crawford, and the probate judge of Crawford County would serve as judge of the 87th-C district.

MCL 600.8152

FISCAL IMPACT:

The bill would have no immediate fiscal impact. The reorganization of the eighty-seventh district into three separate districts would require no new facilities or staffing requirements.

POSITIONS:

Representatives of the 46th Circuit Trial Court testified in support of the bill. (4-16-09)

The Counties of Kalkaska, Crawford, and Otsego previously adopted a resolution seeking legislation to reorganize the 87th judicial district into three separate district courts.

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■ 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.