

Legislative Analysis



INGHAM COUNTY COURT CONSOLIDATION

Phone: (517) 373-8080
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House Bill 6344 (H-2) as reported from committee

Sponsor: Rep. Sam Singh

Committee: Judiciary

Complete to 12-6-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6344 would amend the Revised Judicature Act to allow for the consolidation of the 54-A District Court (Lansing), 54-B District Court (East Lansing), and 55th District Court (Ingham County except for Lansing and East Lansing).

Currently, the 54-A District Court consists of the city of Lansing, is a district of the third class, and has four judges. The 54-B District Court consists of the city of East Lansing, is a district of the third class, and has two judges. The 55th District Court consists of the county of Ingham (other than Lansing and East Lansing), is a district of the second class, and has two judges.

As defined in the Revised Judicature Act, a district of the first class consists of one or more counties. Each county in a district is responsible for maintaining, financing, and operating the district court within its respective county. A district of the second class consists of a group of political subdivisions (e.g., cities and/or townships) within a county. The county is responsible for maintaining, financing, and operating the district court. A district of the third class also consists of one or more political subdivisions within a county; however, each political subdivision composing the district is responsible for maintaining, financing, and operating the district court within its respective political subdivision.

Court consolidation approval

House Bill 6344 would allow the governing bodies of Lansing, East Lansing, and Ingham County to approve by resolution the consolidation of their respective district courts into the 55th District Court. If the consolidation were approved by November 1, 2019, all of the following would apply beginning March 1, 2020:

- The 54-A and 54-B District Courts would be abolished.
- The 55th District Court would consist of all of Ingham County, be a district of the first class, and have eight judges.
- All full-time employees of the courts to be abolished would be transferred to the 55th District Court. Except as provided by the district control units (district funding units) of those courts in any agreement of consolidation, the salary, seniority rights, annual leave, sick leave, and retirement benefits of the transferred employees would have to be preserved and continued in their positions in the 55th District in a manner not inferior to their prior status.
- By proposing or authorizing the consolidation of the three district courts, the legislature would not be creating a new obligation for any affected district control unit (that is, the consolidation would not be a state-mandated increase in the level of an activity or service under the Headlee Amendment).

First eight years after the consolidation

If the consolidated district were created under the bill, all of the following would apply until eight years after the bill's effective date:

- The 55th District would be divided into three election divisions, as follows:
 - The first division would have four judges and consist of Lansing and Lansing Township.
 - The second division would have two judges and consist of East Lansing.
 - The third division would have two judges and consist of Ingham County except for Lansing, Lansing Township, and East Lansing.
- Each incumbent district judge in the former district courts would serve as a district judge in the consolidated district and would be considered an incumbent in the election division in which he or she resides.

Beginning eight years after the consolidation

Upon the expiration of eight years after the bill's effective date, the three election divisions would be abolished and the judges of the 55th District Court would be elected at large.

However, a jury trial in the 55th District Court conducted in connection with a criminal offense or any other event would be conducted as follows:

- For a criminal offense or event occurring in Lansing or Lansing Township—before a jury of citizens who are residents of those two political subdivisions and the county of Ingham.
- For a criminal offense or other event occurring in East Lansing—before a jury of citizens who are residents of East Lansing and the county of Ingham.
- For an offense or event occurring in Ingham County, but not in Lansing, East Lansing, or Lansing Township—before a jury of citizens who are residents of Ingham County but who do not live in Lansing, East Lansing, or Lansing Township.

MCL 600.8125

FISCAL IMPACT:

House Bill 6344 would have no fiscal impact on the state, but would likely result in a fiscal impact on the cities of Lansing and East Lansing and on Ingham County. If Lansing, East Lansing, and Ingham County approve resolutions to consolidate the current 54-A, 54-B, and 55th District Courts into a new 55th District Court, the intent would be for a net savings to occur, which would be achieved through attrition, as fewer staff would be needed to perform required tasks. Savings would not occur immediately, as full-time staff would be retained under the bill. Not all staff leaving employment, post-consolidation, will be replaced. It is not possible to estimate the fiscal impact at this time because the actual terms of the final agreement are not known.

BRIEF DISCUSSION:

Under the bill, the local governmental units of Lansing, East Lansing, and Ingham County could adopt a resolution to consolidate the district courts located in each jurisdiction. Consolidating the three districts into a single district has been discussed on and off for almost two decades. A consolidation is believed to result in a cost savings to all three governmental units as well as improve court efficiency and services to residents. Consolidating districts of

the third class into a county court of the first class is not a new concept, and the bill is modeled after other successful consolidations, notably in Kalamazoo. The bill accounts for the unique makeup of residents of East Lansing and Lansing by preserving the jury pools for those jurisdictions, even after the eventual elimination of the election divisions. Consolidation also could spur discussions on where to locate the district court or courts. Discussion and negotiations on location could lead to courts being moved where residents have easier access.

However, the 54-B District Court opposes the proposed consolidation, and a judge of the 54-A District Court submitted written testimony opposing it as well. Among the primary objections to consolidation are that it would change the demographic and racial makeup of jury pools, and voters in judicial elections, in ways that would be detrimental to diversity both in the jury box and on the bench. (For example, African Americans represent 24% of the population of Lansing, but only 12% of the population of Ingham County as a whole.) The bill also raises other concerns. For instance, a portion of East Lansing is located in Clinton County, and a portion of Lansing in Eaton County. When the election divisions are abolished, it is not clear whether residents of East Lansing and Lansing who live outside Ingham County would be able to serve on juries or vote for judges under the bill, which in both cases would appear to require Ingham County residency. Other concerns remain for others, such as giving discretion to local officials to decide whether to preserve current salary and benefit levels after the consolidation for the full-time employees transferred to the 55th District Court.

POSITIONS:

The Chief Judge of the 55th District Court testified in support of the bill. (11-27-18)

The Mayor of Lansing testified in support of the bill. (11-27-18)

The Mayor of East Lansing testified in support of the bill. (11-27-18)

The Lansing Regional Chamber indicated support for the bill. (12-4-18)

The Supreme Court Administrative Office (SCAO) indicated a neutral position on the bill. (12-4-18)

The 54-B District Court submitted written testimony opposing the bill. (12-4-18)

A judge of the 54-A District Court submitted written testimony opposing the bill. (11-29-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.