

Legislative Analysis



DISTRICT COURTS OF THE 2ND CLASS: REVISE WHERE REQUIRED TO SIT

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Senate Bill 1056

Sponsor: Sen. Alan Cropsey
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 11-29-10

A SUMMARY OF SENATE BILL 1056 AS PASSED BY THE SENATE 11-10-10

Senate Bill 1056 would add a new subdivision to Section 8251 of the Revised Judicature Act to revise, in regards to a district court of the second class located in Kent County, the places where a district court is required to sit, where it may sit, and to clarify the authority of the presiding judge in determining the place where a court would sit in the district.

Currently, a district court in a "second class district" is required to sit at any county seat within the district and at each city and incorporated village within the district having a population of 3,250 or more, with some exceptions. (A "second class district" is one that consists of a group of political subdivisions within a county where the county is responsible for maintaining, financing and operating the district court.) In addition, the court is not required to sit in any political subdivision if the governing body of the subdivision and the court agree that the court will not sit there. If the district does not contain a county seat and does not contain any city or incorporated village with a population of at least 3,250, then the court is required to sit at a place or places within the district as determined by the judges of the district. Also, the judges of the district may determine that it is appropriate to sit at other places in the district.

Senate Bill 1056 would retain the above provisions but add a new subsection to Section 8251 that would pertain only to districts of the second class consisting of one county having a population between 575,000 and 700,000 (currently, only Kent County). The new subsection would mirror the current provisions for location of district courts in a second class district with the following exceptions, as highlighted:

- The court would still be required to sit at any county seat within the district but could sit at each city and incorporated village within the district having a population of 10,000 or more.
- The court would not be required to sit in any political subdivision if the governing body of that subdivision by resolution and the presiding judge of the court agree that the court would not sit there.

- If the district did not contain a county seat and did not contain any city or incorporated village having a population of at least 10,000, the court would have to sit at a place or places within the district as the presiding judge of the district determined.
- The court could, upon approval by resolution of the board of commissioners and assent of the presiding judge, sit at the county seat of its district control unit situated outside the district; but, the court would have to sit at least once each week within the district.
- In addition to the place or places where the court is required to sit, the court could sit at a place or places within the district as the presiding judge determined.

MCL 600.8251

BACKGROUND INFORMATION:

The bill addresses issues at the center of a lawsuit brought by the City of Rockford against the 63rd District Court and the chief judge of the district court in an effort to keep its district court in the city. *City of Rockford v 63rd District Court*, 286 Mich App 624; 781 NW 2nd 145 (2009).

The 63rd District Court, which consists of two divisions, had one courthouse located in Cascade Township and another in the City of Rockford in Kent County. The county, which is the funding unit for the 63rd District Court, decided to build a new facility in Grand Rapids Township and consolidate both divisions of the court under one roof. The presiding judge agreed with the decision to consolidate the courthouses, but the judge in Rockford, along with city leaders, opposed the move. According to media reports at the time, city leaders believed that state law entitled any Michigan city with more than 3,250 residents to a full-time judge and an action was filed to block the consolidation. The trial court dismissed the case in favor of the court and the presiding judge. The Michigan Court of Appeals upheld the trial court's dismissal of the action, and the state Supreme Court denied the city's request to hear the case. The two court divisions have since relocated to the new Grand Rapids Township facility. The City of Rockford purchased the empty courthouse from the county for \$10 and is seeking one or more nonprofit organizations as tenants. No court functions of any kind are currently conducted in the City of Rockford.

In brief, the COA ruled that:

- Statute does not require a full-time judge in each and every city or incorporated village meeting the population threshold. Instead, it requires only such judicial services required to transact the judicial business brought in the city to be conducted in the city, consistent with the judicial needs of the district.

- Most of the venue provisions in statute applicable to the 63rd district court do not require the court to sit in the political subdivision where a criminal, civil, or civil infraction took place, but in the district where the violation took place. However, the court determined that – since the city met the 3,250 population threshold – the provisions of Section 8251(2) do require the small claims division of the 63rd District Court to "sit" in Rockford to hear small claims arising there, but not more than once every 30 days.
- MCL 600.8251(4) vests the chief judge, or presiding judge, with authority to designate the places or court locations within the district where each judge would have to sit.

FISCAL IMPACT:

Senate Bill 1056 would have an indeterminate fiscal impact on local government and no fiscal impact on state government. As the process unfolded, there were differing accounts of the total cost of financing a new consolidated courthouse compared to the total cost of operating two separate courthouses. Kent County estimated that the 50-year total cost of financing a new consolidated courthouse would be \$38.5 million (includes debt service, operations, and building improvements). On the other hand, Kent County has calculated that the 50-year cost of separate courthouses would be \$50.3 million (includes lease payments, operations, and building improvements). Rockford city officials have challenged the County's fiscal calculations stating that they have overstated the savings from a consolidated courthouse. Despite the differing fiscal assessments, the consolidation was approved by the Supreme Court and has already been carried out, making this bill technical in nature to align statute with what has already transpired.

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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.