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BILL ANALYSIS



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Senate Bill 1056 (as enacted)
Sponsor: Senator Alan L. Cropsey
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 309 of 2010

Date Completed: 1-27-11

CONTENT**The bill amended Section 8251 of the Revised Judicature Act (RJA) to establish where a district of the second class in a county having a population between 575,000 and 700,000 must sit.**

Under the RJA, districts of the second class are judicial districts consisting of a group of political subdivisions within a county and in which the county is responsible for maintaining, financing, and operating the district court except as otherwise provided in the Act. Under Section 8251, in districts of the second class, the court must sit at any county seat within the district and at each city and incorporated village within the district having a population of 3,250. If two or more cities or incorporated villages are contiguous, the court is required to sit only in the city having the greater population. Under the bill, in districts of the second class in a county having a population between 575,000 and 700,000, the court must sit at any county seat within the district and may sit at each city and incorporated village within the district having a population of 10,000.

In addition, under Section 8251, the court in a district of the second class is not required to sit in any political subdivision if the governing body of that subdivision, by resolution, and the court agree that the court will not sit there. Under the bill, in a county having a population between 575,000 and 700,000, the court is not required to sit in a political subdivision if its governing body and the presiding judge of

the court agree that the court will not sit there.

Section 8251 also provides that, if the district does not contain a county seat and does not contain a city or incorporated village having a population of 3,500 or more, the court must sit at a place or places within the district as determined by the judges of the district. In addition to the place or places where the court is required to sit, the court also may sit at the county seat of its district control unit situated outside the district, upon the approval by resolution of the county board of commissioners, but must sit at least one each week within the district. Under the bill, for a district in a county with a population between 575,000 and 700,000, the court must sit at a place or places within the district as the presiding judge determines. The court may sit at the county seat located outside the district, upon the assent of the presiding judge and approval of the board of commissioners.

Section 8251 also permits the court to sit at a place or places within the district as determined by the judges of the district. Under the bill, for a district in a county with a population between 575,000 and 700,000, the court may sit at a place or places within the district as the presiding judge determines.

Under Section 8251, "population" means population according to the most recent Federal decennial census, except that the most recent census does not apply until the

expiration of 18 months from the date on which the census was taken. (The 2010 census was conducted on April 1, 2010, so that census will apply under Section 8251 on October 1, 2011. Kent County is expected to be the only Michigan county to meet the bill's population criterion, based on the 2010 census.)

The bill took effect on December 17, 2010.

MCL 600.8251

BACKGROUND

In 2009, the Michigan court of Appeals, in *City of Rockford v 63rd District Court, 63rd District Court Chief Judge, and Kent County* (286 Mich App 624), addressed the requirements of Section 8251 of the Revised Judicature Act concerning districts of the second class.

In this case, the City of Rockford challenged Kent County's plan to consolidate both divisions of the 63rd District Court, a second-class district court, into a single new facility in Grand Rapids Township. The chief judge of the district (who presided over the district's second division) supported the consolidation. The Rockford City Council and the district's other judge (who had presided over the district's first division in a facility in Rockford) objected to the consolidation plan and the City of Rockford brought suit seeking declaratory and injunctive relief. Specifically, the city claimed that the consolidation plan violated the statutory mandate that the district court sit in a city with a population of more than 3,250.

Both parties moved for summary disposition and the trial court granted the defendants' motion. On appeal, Rockford claimed that the trial court erred in its interpretation of Section 8251. In upholding the trial court, the Court of Appeals relied on a 1978 Michigan Supreme Court case (*Center Line v 37th District Judges*, 403 Mich 595). In that case, Center Line sought to prevent the 37th District Court from consolidating all four judges into a new facility in Warren. The Supreme Court rejected Center Line's argument that the move violated the statutory requirement that district courts sit in cities with a population of 3,250 or more. The Court held that the statute does not require a full-time judge in Center Line, but

only those judicial services that may be required to transact whatever judicial business is brought in the city.

In the *Rockford* case, the Court of Appeals concluded that the trial court did not err by determining that the 63rd District Court was not required to maintain a full-time judicial presence in the City of Rockford. Citing *Center Line*, the Court stated, "To 'sit' generally means 'to hold court' or 'do any act of a judicial nature'."

The Court also found that the trial court properly determined that the only judicial services the 63rd District Court must provide in Rockford are those it is *required* to provide as a second-class district court. Citing provisions of the Act governing venue, the Court held, "It is apparent from a plain reading of the statute that most of the venue provisions applicable to the 63rd District Court do not require the court to sit in the political subdivision where the violation took place. Rather, venue in most instances is proper in the *district* where the violation took place" (emphasis in the original). The only exception is that the small claims division must sit at least once every 30 days at the locations where the district court is required to sit pursuant to Section 8251.

Finally, the Court found that the chief judge of the 63rd District Court had the authority to determine where the judge presiding over the first division would sit.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have no fiscal impact on State or local government. The bill attempts to make the RJA consistent with consolidation of Divisions 1 and 2 of the 63rd District Court, which has already been implemented.

Fiscal Analyst: Bill 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.