

**REORGANIZE 83RD DISTRICT COURT  
AND COMBINE CRAWFORD  
COUNTY DISTRICT AND  
PROBATE COURTS**

**House Bill 4866 (Substitute H-1)  
First Analysis (6-4-98)**

**Sponsor: Rep. Allen Lowe  
Committee: Judiciary**

***THE APPARENT PROBLEM:***

Currently, the 83rd District Court consists of Roscommon and Crawford counties, with one district judge. Both counties have passed resolutions indicating that each county needs a separate district judge and that it is more cost efficient to deliver judicial services through combination of judicial offices than creating a new judgeship. Since Roscommon County has a district caseload which requires one district court judge, legislation has been proposed that would allow Crawford County to combine its district and probate courts.

***THE CONTENT OF THE BILL:***

Without changing the number of judges involved, the bill would amend the Revised Judicature Act to reorganize the 83rd district court so that it would consist only of Roscommon County and to add the powers and jurisdiction of the district court to the probate courts in Crawford County. The part-time probate judge in Crawford County would receive the salary of a full-time probate judge.

More specifically, the bill would do the following:

\*\* If a county were expressly permitted by the act -- and in fact did elect -- to combine the jurisdictions of its district and probate courts, then (a) the probate court would exercise the jurisdiction and powers of the district court, (b) the probate judge (or judges) would have the power and authority of a district judge with respect to district court matters; and (c) the provisions of statute and court rule concerning matters within the jurisdiction of the district court would apply to the probate court in that county with respect to district court matters.

\*\* A combination of jurisdiction could not take effect unless both the county board of commissioners and each district control unit in the judicial unit in which the county was located adopted and filed with the state court administrator a resolution approving the combination. The district control unit, in its resolution, would have to agree to assume any local obligations arising in the relevant counties due to the combination of jurisdiction and the reformation of a district in the remaining county or counties.

\*\* The bill would expressly allow Crawford County to combine jurisdiction of the district court with the jurisdiction of the probate court in the county. If Crawford County did combine these jurisdictions, then effective January 1, 1999, the 83rd District would be a first class district consisting of Roscommon County with one judge and the probate court in Crawford County would exercise the jurisdiction and powers of the district judge. The combination of jurisdictions could not take effect unless the county and the district control unit filed the required resolutions of approval with the state court administrator by December 1, 1998.

\*\* The bill would give a full-time salary to a probate judge whose court had combined its jurisdiction as described in the bill and would prohibit such a judge from practicing law other than as a judge. Thus, under the bill, the current part-time probate judge in Crawford County would be paid a full-time probate judge's salary if he or she took over the powers and jurisdiction of the district court in the county and could not practice law other than as a judge.

MCL 600.810a et al.

**FISCAL IMPLICATIONS:**

Fiscal information is not available.

**ARGUMENTS:**

**For:**

The bill would allow Roscommon and Crawford counties to use their judicial resources to their best advantage without increasing the number of judgeships involved, and would provide for future such combinations of district and probate jurisdictions should the need arise and the legislature decide to amend the Revised Judicature Act to allow specific counties to do this. This not only would allow for the more efficient use of existing judicial resources but also could provide valuable experience in the ongoing court reorganization process.

**POSITIONS:**

The Crawford County Board of Commissioners and Roscommon County Board of Commissioners both adopted resolutions in support of legislation to redefine the 83rd District court to include only Roscommon County and to combine the offices of district and probate judges in Crawford County on October 15, 1996, and November 1, 1996, respectively.

The Michigan Trial Court Assessment Commission supports the bill. (3-26-98)

Analyst: S. Ekstrom

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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.