



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 435 (as reported without amendment)
Sponsor: Senator Tony Stamas
Committee: Judiciary

(as passed by the Senate)

Date Completed: 7-20-07

RATIONALE

The 87th judicial district consists of Crawford, Kalkaska, and Otsego Counties in northern Michigan, and has one district judge. The judge who currently holds that position is a resident of Otsego County. Public Act 92 of 2002 granted the probate judges in Crawford and Kalkaska Counties 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. Since Public Act 92 took effect on March 31, 2003, the probate judges in Crawford and Kalkaska Counties have handled district court cases in their counties and the elected judge of the 87th judicial district has handled cases only in Otsego County. In addition, the district court staff has been allocated and funded based on county lines, with each county funding its share of the court operations that occur within its county. Since the counties essentially operate three separate and distinct district court operations, the Counties of Crawford, Kalkaska, and Otsego and the judges in those counties have requested that the 87th judicial district be divided into three separate districts.

CONTENT

The bill would amend the Revised Judicature Act (RJA) to abolish the 87th judicial district and divide that district into three new judicial districts, with the approval of the Counties of Crawford, Kalkaska, and Otsego.

Specifically, if the Counties of Crawford, Kalkaska, and Otsego approved, respectively, the creation of the 87th-A, 87th-B, and 87th-C judicial districts and each of

those counties approved the abolition of the 87th district pursuant to law, all of the following would apply effective January 1, 2008:

- The 87th-A district would consist of the County of Crawford, and the probate judge of Crawford County would serve as judge of the 87th-A 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 Otsego, and would have one judge.
- The 87th district would be abolished.

The judge of the 87th district at 11:59 p.m. on December 31, 2007, who resided in Otsego County, would serve as judge of the 87th-C district for the balance of the term to which he or she was elected or appointed judge of the 87th district.

The Crawford County probate judge on January 1, 2008, would serve as judge of the 87th-A district for the balance of the term to which he or she was elected or appointed probate judge, and the Kalkaska County probate judge on that date would serve as judge of the 87th-B district court for the balance of the term to which he or she was elected or appointed probate judge. (Pursuant to Section 810a of the RJA, the probate judges in Crawford and Kalkaska Counties currently have the jurisdiction, powers, duties, and title of a district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of probate judge.)

(Section 8176 of the RJA prohibits the creation of a new judicial district proposed by law unless each district control unit in the proposed district, by resolution of the district control unit's governing body, approves the creation of the new district and the clerk of each district control unit adopting the resolution files a copy with the State Court Administrator by 4 p.m. of the 16th Tuesday before the August primary for the election immediately preceding the new district's effective date. A resolution filed before the effective date of the amendatory act authorizing the new district is valid if the filing occurs within the two-year State legislative session during which the amendatory act was enacted.)

MCL 600.8152

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

In recent years, the 87th judicial district essentially has operated as three separate district courts. The district, which includes Crawford, Kalkaska, and Otsego Counties, has just one district court judge but, since March 31, 2003, the RJA has authorized the probate court judges in Crawford and Kalkaska Counties to serve as district court judges within their respective counties. Since the elected district court judge lives in Otsego County, county officials and court administrators in the three counties have opted to have the probate judges in Crawford and Kalkaska handle all district court cases in their respective counties and have the 87th district court judge handle cases only in Otsego County. Also, 87th district court staff evidently is funded and allocated along county lines. Since the 87th district court and the probate courts in Crawford and Kalkaska effectively are administered as three distinct district courts, the RJA should designate them as such. The six elected judges in Crawford, Kalkaska, and Otsego Counties (the 87th district judge, the two circuit court judges in the contiguous 46th Circuit Court, and the probate judge in each county), as well as the boards of commissioners in each of the three counties, have requested legislation to reorganize the 87th district court into three separate district courts. By authorizing the

elimination of the 87th district and the creation of the 87th-A, 87th-B, and 87th-C district courts, the bill would accommodate the request of local and court officials in Crawford, Kalkaska, and Otsego Counties and bring statutory court designations into conformity with the current practice of the courts in those counties.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State and local government. In this case, the creation of additional districts would not require any additional facilities or staff.

Fiscal Analyst: Stephanie Yu

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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.