

Legislative Analysis



ESTABLISH ANTRIM COUNTY DISTRICT COURT

Phone: (517) 373-8080
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House Bill 4749 as introduced
Sponsor: Rep. John R. Roth
Committee: Judiciary
Complete to 10-29-25

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

SUMMARY:

House Bill 4749 would amend the Revised Judicature Act to create the 99th District Court as a district of the first class consisting of Antrim County, which is currently served by the 86th District Court (in addition to Grand Traverse County and Leelanau County). The creation of the 99th District Court would not be subject to the approval of the district control unit (in this case, Antrim County).

The bill would provide the current probate judge of Antrim County with the jurisdiction, powers, duties, and title of a district judge within Antrim County, in addition to the jurisdiction, powers, duties, and title already maintained as probate judge. This would have the effect of consolidating the functions of the Antrim County probate and district courts in a single entity. The bill also would allow the current judges of the 86th District Court to continue to serve on that court.

In addition, the act currently requires the 86th District Court to reduce its number of judgeships from three to two beginning on the earlier of the following dates:

- The date on which a vacancy occurs in the office of district judge in the district.
- The beginning date of the term for which an incumbent district judge in the district no longer seeks election or reelection to that office.

The reduction provision described above was triggered by a retirement in January 2015; there have only been two district judges in the 86th District Court since that time. The bill would simply delete this obsolete language.

The bill would take effect January 1, 2026.

MCL 600.810a, 600.8151, and 600.8176 and proposed MCL 600.8165

BACKGROUND:

Section 8104 of the Revised Judicature Act authorizes one or more district control units within a judicial district to establish an intercounty operating agreement (IOA) for the purposes of sharing any or all of the expenses of maintaining, financing, or operating the district court. These agreements must be approved (and periodically reapproved) by resolution adopted by the governing body of each political subdivision entering into the agreement.¹

The 86th District Court currently operates under an IOA between Antrim County, Grand Traverse County, and Leelanau County. Each county is responsible for cost-shared expenses according to the proportion of cases entered and commenced in the county to the total number

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-600-8104>

of cases entered and commenced in the district. Grand Traverse County serves as the fiscal agent and payer district court control unit responsible for administering the district court operating fund and, along with the district court, is the joint employer of all 86th District Court employees.

On December 21, 2023, the Antrim County Board of Commissioners passed a resolution in support of a consolidated district and probate court for Antrim County.² The 2023 resolution did not include any provisions for continued Antrim County support of the 86th District Court's operations after January 1, 2025. The legislature, however, did not codify the statutory changes requested by the board, which eventually resulted in the board's renewing its IOA with Grand Traverse County and withdrawing the 2023 notice of intent to terminate the agreement.

On December 5, 2024, the Antrim County Board of Commissioners passed a similar resolution that again encouraged the creation of an entirely separate Antrim County district court,³ and on December 19, 2024, passed an additional resolution to request an amendment to the 86th District Court IOA that would allow a county to withdraw from the agreement if legislative action is taken that would impact the agreement.⁴

The bill is identical to Senate Bill 429 of the current legislative session.

FISCAL IMPACT:

House Bill 4749 would have no fiscal impact on the state or on local units of government.

Under the bill, the probate judge in Antrim County would also serve as the district court judge in Antrim County. This would not have any fiscal impact on the state or on the local court unit because the salary paid to probate and district court judges is the same. The state pays for the salaries, payroll taxes, and retirement benefits for probate and district court judges. Fringe benefits, personnel costs, costs for computer hardware, software, and other equipment, supplies, and space (e.g., courtrooms, jury rooms, and judges' chambers) are paid for by local court systems. Currently, each probate and district court judgeship costs the state \$205,686. This amount includes the probate and district court judge's salary of \$180,741, payroll taxes of \$12,293, and retirement costs of \$12,652. Local costs for fringe benefits and overhead vary from district to district. Because provisions of the bill involve the same court unit, costs would remain the same.

In addition, because there have only been two district court judges in the 86th District since the January 2015, the provisions of the bill related to eliminating one district court judgeship from that district would have no fiscal impact on the state or on the local court unit.

Legislative Analyst: Aaron A. Meek
Fiscal Analyst: Robin Risko

■ 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.

² https://cms5.revize.com/revize/antrim/BOC_01_03_2023_Minutes_ALL.pdf

³ https://cms5.revize.com/revize/antrim/BOC_12_05_2024_Minutes.pdf

⁴ https://cms5.revize.com/revize/antrim/BOC_12_19_2024_Minutes.pdf