

HOUSE BILL No. 5674

February 14, 2002, Introduced by Rep. Bradstreet and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, and 8148 (MCL 600.821, 600.822, and 600.8148), section 821 as amended by 1998 PA 298 and section 822 as amended by 1998 PA 313, and by adding sections 810a and 8179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 810A. (1) IF A COUNTY IS EXPRESSLY PERMITTED BY THIS
2 ACT TO COMBINE THE JURISDICTION OF THE DISTRICT COURT IN THAT
3 COUNTY WITH THE JURISDICTION OF THE PROBATE COURT IN THAT COUNTY,
4 AND THE COUNTY ELECTS TO COMBINE THE JURISDICTION OF THOSE
5 COURTS, ALL OF THE FOLLOWING APPLY:

6 (A) THE PROBATE COURT SHALL EXERCISE THE JURISDICTION AND
7 POWERS OF THE DISTRICT COURT.

1 (B) THE JUDGE OR JUDGES OF PROBATE IN THE COUNTY HAVE THE
2 POWER AND AUTHORITY OF A DISTRICT JUDGE WITH RESPECT TO DISTRICT
3 COURT MATTERS.

4 (C) THE PROVISIONS OF STATUTE AND COURT RULE CONCERNING MAT-
5 TERS WITHIN THE JURISDICTION OF THE DISTRICT COURT APPLY TO THE
6 PROBATE COURT IN THAT COUNTY WITH RESPECT TO DISTRICT COURT
7 MATTERS.

8 (2) A COMBINATION OF JURISDICTION UNDER THIS SECTION SHALL
9 NOT TAKE EFFECT UNLESS BOTH OF THE FOLLOWING OCCUR:

10 (A) THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY ADOPTS A
11 RESOLUTION APPROVING THE COMBINATION OF JURISDICTION AND FILES A
12 COPY OF THAT RESOLUTION WITH THE STATE COURT ADMINISTRATOR.

13 (B) EACH DISTRICT CONTROL UNIT IN THE JUDICIAL DISTRICT IN
14 WHICH THE COUNTY IS LOCATED FILES A RESOLUTION OF APPROVAL
15 REQUIRED UNDER SECTION 8179.

16 Sec. 821. (1) The following probate judges shall not engage
17 in the practice of law other than as a judge and shall receive,
18 subject to subsection ~~-(7)-~~ (6), an annual salary provided in
19 this section:

20 (a) A probate judge of a county that is not part of a pro-
21 posed probate court district described in section 807.

22 (b) The probate judge in each probate court district in
23 which a majority of the electors voting on the question in each
24 county of probate court district has approved or approves cre-
25 ation of the district.

26 (c) A probate judge in a county having a population of
27 15,000 or more according to the 1990 federal decennial census, if

1 the county is not part of a probate court district created
2 pursuant to law.

3 (D) A PROBATE JUDGE IN A COUNTY THAT HAS COMBINED THE JURIS-
4 DICTION OF THE DISTRICT COURT WITH THE JURISDICTION OF THE PRO-
5 BATE COURT, AS DESCRIBED IN SECTION 810A.

6 ~~(2) Until the salary of a justice of the supreme court~~
7 ~~exceeds \$128,538.00, each probate judge shall receive an annual~~
8 ~~salary of \$109,257.00 determined as follows:~~

9 ~~(a) A minimum annual salary of \$63,533.00.~~

10 ~~(b) An additional salary of \$45,724.00 paid by the county or~~
11 ~~by the counties comprising a probate court district. If a pro-~~
12 ~~bate judge receives a total additional salary of \$45,724.00 from~~
13 ~~the county, or from the counties comprising a probate court dis-~~
14 ~~trict, and does not receive less than or more than \$45,724.00,~~
15 ~~including any cost-of-living allowance, the state shall reimburse~~
16 ~~the county or counties the amount that the county or counties~~
17 ~~have paid to the judge.~~

18 (2) ~~(3) If the salary of a justice of the supreme court~~
19 ~~exceeds \$128,538.00, each~~ EACH probate judge shall receive an
20 annual salary determined as follows:

21 (a) A minimum annual salary of the difference between 85% of
22 the salary of a justice of the supreme court and \$45,724.00.

23 (b) An additional salary of \$45,724.00 paid by the county or
24 by the counties comprising a probate court district. If a pro-
25 bate judge receives a total additional salary of \$45,724.00 from
26 the county, or from the counties comprising a probate court
27 district, and does not receive less than or more than \$45,724.00,

1 including any cost-of-living allowance, the state shall reimburse
2 the county or counties the amount that the county or counties
3 have paid to the judge.

4 (3) ~~(4)~~ Six thousand dollars of the minimum annual salary
5 provided in subsection (2) ~~, (3), or (4)~~ shall be paid by the
6 county, or by the counties comprising a probate court district,
7 and the balance of that minimum annual salary shall be paid by
8 the state as a grant to the county or the counties comprising the
9 probate court district. The county, or the counties comprising
10 the probate court district, shall in turn pay that amount to the
11 probate judge. Beginning January 1, 1997, the state shall annu-
12 ally reimburse the county or counties \$6,000.00 for each probate
13 judge to offset the cost of the county or counties required by
14 this section.

15 (4) ~~(5)~~ The salary provided in this section is full com-
16 pensation for all services performed by a probate judge, except
17 as otherwise provided by law. In a probate court district, each
18 county of the district shall contribute to the salary in the same
19 proportion as the population of the county bears to the popula-
20 tion of the district.

21 (5) ~~(6)~~ An additional salary determined by the county
22 board of commissioners may be increased during a term of office
23 but shall not be decreased except to the extent of a general
24 salary reduction in all other branches of government in the
25 county. In a county where an additional salary is granted, it
26 shall be paid at the same rate to all probate judges regularly
27 holding court in the county.

1 (6) ~~(7)~~ An increase in the amount of salary payable to a
2 judge under subsection (1) caused by an increase in the salary
3 payable to a justice of the supreme court resulting from the
4 operation of 1968 PA 357, MCL 15.211 to 15.218, is not effective
5 until February 1 of the year in which the increase in the salary
6 of a justice of the supreme court becomes effective. If an
7 increase in salary becomes effective on February 1 of a year in
8 which an increase in the salary of a justice of the supreme court
9 becomes effective, the increase is retroactive to January 1 of
10 that year.

11 Sec. 822. (1) The probate judge of a county having a popu-
12 lation of less than 15,000 according to the 1990 federal decen-
13 nial census and comprising part of a proposed probate court dis-
14 trict in which the electors of 1 or more counties of the probate
15 court district did not approve the probate court district shall
16 receive an annual salary of \$20,000.00. Six thousand dollars of
17 the minimum annual salary provided by this subsection shall be
18 paid by the county and the balance of the minimum annual salary
19 shall be paid by the state as a grant to the county. The county
20 shall, in turn, pay that amount to the probate judge.

21 (2) The annual salary provided in subsection (1) may be
22 increased but shall not be decreased during the term for which
23 the probate judge has been elected or appointed. This salary is
24 in full compensation for all services performed by the person as
25 probate judge, except as otherwise provided by law. A probate
26 judge whose annual salary is provided in subsection (1) shall not

1 represent a party in a contested proceeding in the probate court
2 of this state.

3 (3) In addition to the salary provided in subsection (1), a
4 probate judge may receive from the county in which he or she reg-
5 ularly holds court an additional salary of not more than
6 \$43,000.00, as determined by the county board of commissioners.
7 The additional salary may be increased during a term of office
8 but shall not be decreased except to the extent of a general
9 salary reduction in all other branches of government in the
10 county.

11 (4) The total annual salary of a probate judge, including
12 the salary provided in subsection (1) and any additional salary
13 granted by the county under subsection (3), shall not exceed
14 \$63,000.00.

15 (5) From funds appropriated to the judiciary, the state
16 shall pay to a county described in subsection (1) a state salary
17 standardization payment of \$5,750.00 for each probate judge and
18 an additional payment of \$6,000.00 for each probate judge to
19 offset the portion of minimum annual salary paid by the county.

20 (6) THIS SECTION DOES NOT APPLY IN A COUNTY THAT HAS COM-
21 BINED THE JURISDICTION OF THE DISTRICT COURT WITH THE JURISDIC-
22 TION OF THE PROBATE COURT, AS DESCRIBED IN SECTION 810A.

23 Sec. 8148. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2)
24 AND (3), THE eighty-third district consists of the counties of
25 Roscommon and Crawford, is a district of the first class, and has
26 1 judge.

1 (2) THE COUNTY OF CRAWFORD MAY COMBINE THE JURISDICTION OF
2 THE DISTRICT COURT WITH THE JURISDICTION OF THE PROBATE COURT IN
3 THAT COUNTY, IN WHICH CASE ALL OF THE FOLLOWING APPLY EFFECTIVE
4 JANUARY 1, 2003:

5 (A) THE EIGHTY-THIRD DISTRICT CONSISTS OF THE COUNTY OF
6 ROSCOMMON, IS A DISTRICT OF THE FIRST CLASS, AND HAS 1 JUDGE.

7 (B) IN THE COUNTY OF CRAWFORD, THE PROBATE COURT SHALL EXER-
8 CISE THE JURISDICTION AND POWERS OF THE DISTRICT COURT AS PRO-
9 VIDED IN SECTION 810A.

10 (3) A COMBINATION OF JURISDICTIONS UNDER SUBSECTION (2)
11 SHALL NOT TAKE EFFECT UNLESS THE RESOLUTIONS OF APPROVAL REQUIRED
12 UNDER SECTIONS 810A AND 8179 ARE FILED WITH THE STATE COURT
13 ADMINISTRATOR NOT LATER THAN DECEMBER 1, 2002.

14 SEC. 8179. IF A COUNTY IS EXPRESSLY PERMITTED BY THIS ACT
15 TO COMBINE THE JURISDICTION OF THE DISTRICT COURT IN THE COUNTY
16 WITH THE JURISDICTION OF THE PROBATE COURT IN THAT COUNTY, AND
17 THE COUNTY ELECTS TO COMBINE THE JURISDICTION OF THOSE COURTS AS
18 DESCRIBED IN SECTION 810A, THAT COMBINATION OF JURISDICTION SHALL
19 NOT TAKE EFFECT UNLESS EACH DISTRICT CONTROL UNIT IN THE JUDICIAL
20 DISTRICT IN WHICH THE COUNTY IS LOCATED, BY RESOLUTION ADOPTED BY
21 THE GOVERNING BODY OF THE DISTRICT CONTROL UNIT, AGREES TO ASSUME
22 ANY LOCAL OBLIGATIONS ARISING IN THE RESPECTIVE COUNTIES DUE TO
23 THE COMBINATION OF JURISDICTION IN A COUNTY AND THE REFORMATION
24 OF A DISTRICT IN THE REMAINING COUNTY OR COUNTIES, AND FILES A
25 COPY OF THAT RESOLUTION WITH THE STATE COURT ADMINISTRATOR BY THE
26 DEADLINE PRESCRIBED BY LAW.