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House Bill 5859 (as passed by the House)
Sponsor: Representative Phil Green
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

Date Completed: 7-22-20

CONTENT

The bill would amend the Revised Judicature Act (RJA) to consolidate, beginning January 1, 2021, the probate courts of Huron and Sanilac Counties and create the 32nd-A probate court district, which would consist of Huron and Sanilac Counties and have three probate judges.

The bill would take effect 90 days after its enactment.

Probate Courts

The RJA specifies that a probate court district is created in specified districts when a majority of the electors voting on the question in each affected county approves the district.

Under the bill, beginning January 1, 2021, the 32nd-A probate court district would be created and would consist of Huron and Sanilac Counties, if a majority of the electors voting on the question in each affected county approved the probate court district.

Probate Judges

Under the RJA, Sanilac County has one probate judge and Huron County has two probate judges.

Beginning the earlier of following dates, Huron County has one probate judge:

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

The bill would delete this provision.

Instead, beginning January 1, 2021, if the Huron County Board of Commissioners and the Sanilac County Board of Commissioners approved the consolidation of the 32nd (Huron County) and 76th (Sanilac County) judicial probate courts, the 32nd-A probate court district would have three probate judges.

If the consolidated 32nd-A were created, all of the following would apply:

- The 32nd and 76th probate court would be abolished, and the 32nd-A court district would consist of all of the territory of the former 32nd and 76th probate courts before the bill's effective date.
- The 32nd-A probate court district would be divided into the following election divisions: a) the First Division would consist of Sanilac County and have one judge; b) the Second Division would consist of Huron County and have one judge; and c) the Third Division would consist of the consolidated district of Huron and Sanilac Counties and have one judge.
- Each incumbent probate judge from the former 32nd and 76th probate courts would serve as a probate judge in the consolidated district for the balance of his or her elected term.

The First Division initially would be filled by the incumbent judge of the 76th probate court. The Second Division initially would be filled by an incumbent judge from the 32nd probate court. The Third Division initially would be filled by the longest serving incumbent judge from the 32nd probate court.

MCL 600.803 & 600.807

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on the State and would have an indeterminate fiscal impact on the local court systems involved. The consolidation would require reorganization of the existing court systems within the local communities addressed under the bill. This reorganization could increase or decrease costs to the new local court system, depending upon how it was structured, a determination that would be made by the three judges that were placed in the proposed court.

Fiscal Analyst: Michael Siracuse

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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.