

HOUSE BILL No. 4866

June 4, 1997, Introduced by Reps. Lowe and Gernaat and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 821, 822, 8148, and 8152 (MCL 600.821,
600.822, 600.8148, and 600.8152), section 821 as amended by 1996
PA 388, section 822 as amended by 1996 PA 374, and section 8152
as amended by 1990 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 821. (1) The following probate judges shall not engage
2 in the practice of law other than as a judge and shall receive,
3 subject to subsection (7), an annual salary provided in this
4 section:

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

7 (b) The probate judge in each probate court district in
8 which a majority of the electors voting on the question in each

1 county of probate court district has approved or approves
2 creation of the district.

3 (c) A probate judge in a county having a population of
4 15,000 or more, if the county is not part of a probate court dis-
5 trict created pursuant to law.

6 (D) A PROBATE JUDGE OF A COURT THAT HAS COMBINED ITS JURIS-
7 DICTION WITH THE JURISDICTION DESCRIBED IN CHAPTERS 83 AND 84.

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

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

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

20 (3) If the salary of a justice of the supreme court exceeds
21 \$128,538.00, each probate judge shall receive an annual salary
22 determined as follows:

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

25 (b) An additional salary of \$45,724.00 paid by the county or
26 by the counties comprising a probate court district. If a
27 probate judge receives a total additional salary of \$45,724.00

1 from the county, or from the counties comprising a probate court
2 district, and does not receive less than or more than \$45,724.00,
3 including any cost-of-living allowance, the state shall reimburse
4 the county or counties the amount that the county or counties
5 have paid to the judge.

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

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

23 (6) An additional salary determined by the county board of
24 commissioners may be increased during a term of office but shall
25 not be decreased except to the extent of a general salary reduc-
26 tion in all other branches of government in the county. In a
27 county where an additional salary is granted, it shall be paid at

1 the same rate to all probate judges regularly holding court in
2 the county.

3 (7) An increase in the amount of salary payable to a judge
4 under subsection (1) caused by an increase in the salary payable
5 to a justice of the supreme court resulting from the operation of
6 ~~Act No. 357 of the Public Acts of 1968, being sections 15.211 to~~
7 ~~15.218 of the Michigan Compiled Laws~~ 1968 PA 357, MCL 15.211 TO
8 15.218, shall not be effective until February 1 of the year in
9 which the increase in the salary of a justice of the supreme
10 court becomes effective. If an increase in salary becomes effec-
11 tive on February 1 of a year in which an increase in the salary
12 of a justice of the supreme court becomes effective, the increase
13 shall be retroactive to January 1 of that year.

14 Sec. 822. (1) The probate judge of a county having a popu-
15 lation of less than 15,000 and comprising part of a proposed pro-
16 bate court district in which the electors of 1 or more counties
17 thereof did not approve the same, AND WHOSE JURISDICTION IS NOT
18 COMBINED WITH THE JURISDICTION DESCRIBED IN CHAPTERS 83 AND 84,
19 shall receive an annual salary of \$20,000.00. Six thousand dol-
20 lars of the minimum annual salary provided by this subsection
21 shall be paid by the county and the balance of the minimum annual
22 salary shall be paid by the state as a grant to the county. The
23 county shall, in turn, pay that amount to the probate judge.

24 (2) The annual salary provided in subsection (1) may be
25 increased but shall not be decreased during the term for which
26 the probate judge has been elected or appointed. This salary
27 shall be in full compensation for all services performed by the

1 person as probate judge, except as otherwise provided by law. A
2 probate judge whose annual salary is provided in subsection (1)
3 shall not represent a party in a contested proceeding in the pro-
4 bate court of this state.

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

13 (4) The total annual salary of a probate judge, including
14 the salary provided in subsection (1) and any additional salary
15 granted by the county under subsection (3), shall not exceed
16 \$63,000.00.

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

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

25 (2) EFFECTIVE JANUARY 1, 1999, IF THE COUNTY OF ROSCOMMON
26 HAS APPROVED THE REFORMATION OF THE EIGHTY-THIRD DISTRICT
27 PURSUANT TO LAW, AND IF THE COUNTY OF CRAWFORD HAS APPROVED THE

1 COMBINATION OF THE JURISDICTION OF THE PROBATE COURT WITH THE
2 JURISDICTION OF THE DISTRICT COURT, ALL OF THE FOLLOWING APPLY:

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

5 (B) IN THE COUNTY OF CRAWFORD, THE JURISDICTION OF THE PRO-
6 BATE COURT INCLUDES THE JURISDICTION AND POWERS OF THE DISTRICT
7 COURT AS DESCRIBED IN CHAPTERS 83 AND 84, AND THE PROVISIONS OF
8 STATUTE AND COURT RULE CONCERNING MATTERS WITHIN THE JURISDICTION
9 OF THE DISTRICT COURT APPLY TO THE PROBATE COURT OF THE COUNTY OF
10 CRAWFORD.

11 Sec. 8152. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
12 THE eighty-seventh district consists of the counties of Kalkaska,
13 Antrim, and Otsego, is a district of the first class, and has ~~1~~
14 ~~judge~~ 2 JUDGES. ~~Subject to section 8175, this district may~~
15 ~~have 1 additional judge effective January 1, 1991. If a new~~
16 ~~office of judge is added to this district to be filled by elec-~~
17 ~~tion in 1990, the term of office of the judge for that election~~
18 ~~only shall be 4 years.~~

19 (2) EFFECTIVE JANUARY 1, 1999, IF THE COUNTIES OF ANTRIM AND
20 OTSEGO HAVE APPROVED THE REFORMATION OF THE EIGHTY-SEVENTH DIS-
21 TRICT PURSUANT TO LAW, AND IF THE COUNTY OF KALKASKA HAS APPROVED
22 THE COMBINATION OF THE JURISDICTION OF THE PROBATE COURT WITH THE
23 JURISDICTION OF THE DISTRICT COURT, ALL OF THE FOLLOWING APPLY:

24 (A) THE EIGHTY-SEVENTH DISTRICT CONSISTS OF THE COUNTIES OF
25 ANTRIM AND OTSEGO, IS A DISTRICT OF THE FIRST CLASS, AND HAS 2
26 JUDGES.

1 (B) IN THE COUNTY OF KALKASKA, THE JURISDICTION OF THE
2 PROBATE COURT INCLUDES THE JURISDICTION AND POWERS OF THE
3 DISTRICT COURT AS DESCRIBED IN CHAPTERS 83 AND 84, AND THE PROVI-
4 SIONS OF STATUTE AND COURT RULE CONCERNING MATTERS WITHIN THE
5 JURISDICTION OF THE DISTRICT COURT APPLY TO THE PROBATE COURT OF
6 THE COUNTY OF KALKASKA.

7 Enacting section 1. The reformation of the eighty-third
8 district, as allowed by this 1997 amendatory act, shall not take
9 place unless resolutions of approval by the county boards of com-
10 missioners of the counties of Roscommon and Crawford, as required
11 by section 8176 of the revised judicature act of 1961, 1961 PA
12 236, MCL 600.8176, are filed with the state court administrator
13 not later than April 14, 1998.

14 Enacting section 2. The reformation of the eighty-seventh
15 district, as allowed by this 1997 amendatory act, shall not take
16 place unless resolutions of approval by the county boards of com-
17 missioners of the counties of Kalkaska, Antrim, and Otsego, as
18 required by section 8176 of the revised judicature act of 1961,
19 1961 PA 236, MCL 600.8176, are filed with the state court admin-
20 istrator not later than April 14, 1998.

21 Enacting section 3. This amendatory act takes effect
22 January 1, 1998.