



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 349 (as enrolled)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 3-2-95

RATIONALE

Public Act 189 of 1991 amended the Revised Judicature Act (RJA) to allow the chief probate judge of a county, subject to the approval of the county's board of commissioners and the State Court Administrator, to designate one or more locations in the county in which probate court sessions may be held. Public Act 189 enabled Ottawa County to hold sessions of the probate court in a new facility that is more centrally located than is Grand Haven, Ottawa's county seat. The RJA also requires, however, that a probate judge maintain an *office* at the county seat. Since the Ottawa County Probate Court now holds sessions at the county's new criminal justice center and not in Grand Haven, some people believe that the requirement that a probate judge maintain an office at the county seat should be dropped; they contend that a probate judge should be required, instead, to hold *sessions* at the county seat, unless an alternative site was designated pursuant to Public Act 189, and that the RJA should specifically allow probate court sessions to be held in any city in which sessions of the circuit court are authorized by law.

CONTENT

The bill would amend the Revised Judicature Act to delete a requirement that a probate judge maintain an office at the county seat of each county and an authorization to maintain an office in any city of the county in which sessions of the circuit court are authorized by law to be held. Instead, the bill would require that a probate judge hold sessions of the probate court at the county seat, unless an alternative primary location were designated pursuant to the RJA, and would authorize a probate judge to hold sessions of the probate court in any city in which sessions of the circuit court were legally authorized. (The bill would retain an authorization for a probate judge to

maintain an office at any place where sessions of the probate court are held.)

The bill also specifies that it would not prohibit a judge from holding a hearing regarding an allegedly legally incapacitated person or an allegedly mentally ill person at any site considered appropriate by the court, as allowed under the Revised Probate Code or the Mental Health Code.

MCL 600.816

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

Since Public Act 189 of 1991 amended the RJA to allow alternative locations for sessions of a county's probate court, a probate judge should no longer be subject to a strict requirement that he or she maintain an office at the county seat. Also, rather than requiring a judge's *office* to be located in a specific place, the RJA site restrictions should refer instead to the location of *sessions* of the probate court, and should allow those sessions to be held where circuit court sessions are held, in addition to requiring that probate court sessions be held at the county seat or other designated place. By retaining the provision that allows a judge to maintain his or her office at any place in which sessions of the probate court are held, the bill would continue to ensure that a probate judge's office was accessible and located at the site of court sessions, regardless of whether that location was the county seat.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State. The local impacts would depend on area rents and other costs associated with maintaining an office. These costs vary by locality.

Fiscal Analyst: L. Nacionales-Tafoya

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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.