

---

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

---

Senate Bill 1132 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Revised Judicature Act to provide the implementing legislation for Senate Joint Resolution R, which proposes to amend the State Constitution of 1963 to abolish the probate court and merge it with the circuit court. The bill would not take effect unless Senate Joint Resolution R became part of the State Constitution.

The bill specifies that, on January 1, 2000, the jurisdiction of the probate court in all counties other than Alcona, Arenac, Baraga, Benzie, Crawford, Iron, Kalkaska, Keweenaw, Lake, Missaukee, Montmorency, Oscoda, Ontonagon, and Presque Isle (the counties with part-time probate judges) would be transferred to the family division of the circuit court (family court) for that county and the probate judge for that county would become a circuit judge of the circuit encompassing the county in which he or she resided, for the balance of the term of office to which he or she had been elected or appointed. At noon on January 1, 2001, the jurisdiction of the probate court in Keweenaw County would be transferred to the family court for that county and the office of probate judge in that county would be abolished.

In the other counties with part-time probate judges, beginning with the November 2000 general election and ending with the November 2008 general election, the terms of office of each probate judge would be two years; the jurisdiction of these courts would be transferred to the family court and the office of probate judge abolished when a circuit judge was elected exclusively from that county. In the event of a vacancy in office of one of those probate judges due to death, resignation, removal from office, or ineligibility for the office, and if a circuit judge would be elected exclusively from that county, the jurisdiction of the probate court for that county would be transferred to the family court effective on the date of the vacancy. At that time, the office of probate judge in that county would be abolished. If an incumbent part-time probate judge failed or were unable to file an affidavit of candidacy for reelection, withdrew an affidavit of candidacy, or changed residence to another county, the jurisdiction of that probate court would be transferred to the family court effective on the date of the end of the term of office of that judge. At that time, the office of probate judge in that county would be abolished. At noon, January 1, 2011, the jurisdiction of any probate court in any county that currently has a part-time probate judge that had not already been transferred to the circuit court, would be transferred to the family court. At that time, the office of probate judge in that county would be abolished.

The bill also would authorize an increase in the salary of a part-time probate judge. A county could increase the amount of a judge's salary that it pays to an amount up to \$31,600. A judge's total salary would then be increased by the same amount and could not exceed \$45,600.

The bill also would increase the number of judgeships in each judicial circuit to provide for the various full-time probate judges to become circuit judges. It also would provide for the creation of some new circuits and divide multicounty judicial circuits into election divisions to comply with the

requirement of Senate Joint Resolution R that each county have at least one judge with jurisdiction over family matters elected exclusively in that county. The bill also provides for the staggering of some circuit court judicial terms that begin on January 1, 2001, in compliance with Senate Joint Resolution R.

The bill specifies that its reformation or creation of judicial circuits, creation of new circuit judgeships, and elimination of probate judgeship and probate districts would not require local approval, as otherwise provided by law.

Further, effective January 1, 2000, the bill would add Mackinac County to the 91st District of the district court (which currently consists solely of Chippewa County) and would make the incumbent judge of the 92nd District (which currently consists of the Counties of Mackinac and Luce) a circuit court judge in the 11th Circuit and the 92nd District would be abolished. Luce County would be added to the 93rd District (which currently consists of Alger and Schoolcraft Counties).

MCL 600.502 et al.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate impact on 13 counties with part-time probate judges depending on when jurisdiction of those probate courts would be transferred to the family division of circuit court prior to January 1, 2011.

Date Completed: 5-27-98

Fiscal Analyst: B. Bowerman