

**SUBSTITUTE FOR  
HOUSE BILL NO. 4866**

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 1996 PA 388 and section 822 as amended by 1996 PA 374, 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.

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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), an annual salary provided in this  
19 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.

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1 (c) A probate judge in a county having a population of  
2 15,000 or more, if the county is not part of a probate court  
3 district created pursuant to law.

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

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

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

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

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

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

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

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

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

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

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

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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 shall receive an annual salary  
18 of \$20,000.00. Six thousand dollars of the minimum annual salary  
19 provided by this subsection shall be paid by the county and the  
20 balance of the minimum annual salary shall be paid by the state  
21 as a grant to the county. The county shall, in turn, pay that  
22 amount to the probate judge.

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

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1 probate judge whose annual salary is provided in subsection (1)  
2 shall not represent a party in a contested proceeding in the pro-  
3 bate court of this state.

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

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

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

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

24 Sec. 8148. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2)  
25 AND (3), THE eighty-third district consists of the counties of  
26 Roscommon and Crawford, is a district of the first class, and has  
27 1 judge.

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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, 1999:

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, 1998.

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.