

**PROBATE COURT: SALARY AND
DISTRICTS**

**Senate Bill 461 (Substitute H-1)
Sponsor: Sen. Alan L. Cropsey**

Addendum to SFA Analysis (6-3-03)

**Senate Committee: Judiciary
House Committee: Judiciary**

ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 461 DATED 5-16-03:

HOUSE COMMITTEE ACTION:

The House Committee on Judiciary adopted two amendments to the Senate-passed bill. The full analysis of Senate Bill 461 by the Senate Fiscal Agency can be found on the Michigan Legislature web site.

1) The first amendment would amend section 808, which provides for an election to be held to determine whether a specific county should form a probate court district. The amendment would delete an outdated provision that permits a probate judge serving on the effective date of the chapter (that is, July 1, 1979) who is not a licensed attorney of the state to be eligible for election as the probate judge in a probate court district.

More importantly, the amendment states that the state would reimburse the affected counties for half of the additional cost of submitting the question to the electors if it is done at a primary, general, or special election held after the bill's effective date, and prior to November 3, 2004.

2) The second amendment would amend section 821, which prohibits certain probate judges from engaging in the practice of law (other than as a judge), and provides for an annual salary for full-time judges. These judges are described in the section as follows:

*A probate judge of a county that is not part of a proposed probate court district described in section 807;

* The probate judge in each probate court district in which a majority of the electors voting on the question in each county of probate court district has approved the creation of the district;

*A probate judge described in section 810a.

The amendment attempts to clarify the language by restating the provisions as follows:

*A probate judge of a county that is not described in section 807;

* The probate judge in each probate court district *described in section 807* in which a majority of the electors voting on the question in each county has approved the creation of the probate court district;

* A probate judge who has the power, authority, and title of a district judge within his or her respective county pursuant to section 810a.

In addition, the bill provides that if a part-time probate judge becomes a full-time judge, any additional minimum salary provided to a part-time judge by the county would be considered to be part of the minimum salary for a full-time judge under section 821. The amendment would change the reference to section 821 to section 821(2)(a), and state that the county's obligation would cease when the judgeship becomes full-time.

POSITIONS:

There are no positions at present.

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.