

SUBSTITUTE FOR
SENATE BILL NO. 823

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 807, 808, 810a, and 821 (MCL 600.807,
600.808, 600.810a, and 600.821), sections 807, 808, and 821 as
amended by 2003 PA 40 and section 810a as amended by 2002 PA
715.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 807. A probate court district is created in each of
2 the following described districts when a majority of the electors
3 voting on the question in each affected county approves the
4 probate court district. The districts shall consist as follows:

5 (a) The first district consists of ~~any of the following:~~

6 ~~—— (i) Baraga, Houghton, and Keweenaw counties.~~

7 ~~—— (ii) Houghton and Baraga counties.~~

8 ~~—— (iii) Houghton and Keweenaw counties.~~ **the counties of**

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1 Houghton and Keweenaw.

2 ~~[(b) The second district consists of the counties of Ontonagon~~
3 ~~and Gogebic.~~

4 ~~—— (c) The third district consists of the counties of Iron and~~
5 ~~Dickinson.~~

6 **[(b) (d)]** The fifth district consists of the counties of
7 Schoolcraft and Alger.

8 **[(c) (e)]** The sixth district consists of the counties of Mackinac
9 and Luce.

10 **[(d) (f)]** The seventh district consists of the counties of Emmet
11 and Charlevoix.

12 ~~(g) The eighth district consists of the counties of~~
13 ~~Cheboygan and Presque Isle.~~

14 ~~—— (h) The ninth district consists of the counties of Alpena and~~
15 ~~Montmorency.~~

16 ~~—— (i) The twelfth district consists of the counties of Manistee~~
17 ~~and Benzie.~~

18 ~~—— (j) The thirteenth district consists of the counties of~~
19 ~~Wexford and Missaukee.~~

20 ~~—— (k) The fifteenth district consists of the counties of Alcona~~
21 ~~and Oscoda.~~

22 **[(e) (l)]** The seventeenth district consists of the counties
23 of Clare and Gladwin.

24 **[(f) (m)]** The eighteenth district consists of the counties of
25 Mecosta and Osceola.

26 Sec. 808. (1) When each county board of commissioners of a
27 district described in section 807 agrees by resolution to form a

1 district, the question of creation of the district shall be
 2 submitted to the electors of the affected counties at the next
 3 primary, general, or special election that occurs more than 49
 4 days after the resolution is adopted. A special election for
 5 submission of the question may be called by resolution adopted by
 6 each county board of commissioners in the proposed district.

7 (2) The question relative to creating the district shall be
 8 in substantially the following form:

9 "Shall this county join in a probate court district, which
 10 will consist of the counties of _____ and
 11 _____ if the majority of the electors voting on the
 12 question in each affected county approve?

13 Yes ()

14 No ()".

15 (3) The votes on the question shall be counted, canvassed,
 16 and returned in the manner provided by law. The results shall be
 17 canvassed and certified by the board of state canvassers in the
 18 same manner as provided for state propositions under chapter 31
 19 of the Michigan election law, 1954 PA 116, MCL 168.841 to
 20 ~~168.847~~ **168.848**.

21 (4) If approved by a majority of the electors voting on the
 22 question in each of the counties affected, those counties shall
 23 constitute the probate court district corresponding to the
 24 appropriate district described in section 807, and that district
 25 becomes effective as provided in section 809 or 810, whichever
 26 section results in an earlier effective date.

27 (5) The election of the probate judge for a probate court

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1 district created under this section shall be held as provided in
2 section 811.

3 (6) The state shall reimburse the affected counties for ~~1/2~~
4 ~~of~~ the additional cost of submitting the question of the
5 district to the electors of the affected counties if the question
6 is submitted to the electors at a primary, general, or special
7 election held after ~~the effective date of the 2003 amendatory~~
8 ~~act that amended this subsection but before November 3, 2004~~
9 **January 2, 2007.**

10 Sec. 810a. (1) The probate judges in the counties of
11 Arenac, Kalkaska, Crawford, ~~and~~ Lake, [] **Iron,**
12 **[and] Ontonagon[]** have the ~~power,~~
13 ~~authority~~ **jurisdiction, powers, duties,** and title of a district
14 judge within their respective counties, in addition to the
15 ~~power, authority~~ **jurisdiction, powers, duties,** and title of a
16 probate judge.

17 (2) **Beginning January 2, 2007, in addition to the probate**
18 **judges described in subsection (1), the probate judges in the**
19 **counties of Alcona, Baraga, Benzie, Missaukee, Montmorency,**
20 **Oscoda, and Presque Isle have the jurisdiction, powers, duties,**
21 **and title of a district judge within their respective counties,**
22 **in addition to the jurisdiction, powers, duties, and title of a**
23 **probate judge.**

24 Sec. 821. (1) The following probate judges shall not engage
25 in the practice of law other than as a judge and shall receive,
26 subject to subsection (6), an annual salary provided in this
27 section:

1 (a) A probate judge of a county that is not described in
2 section 807.

3 (b) The probate judge in each probate court district
4 described in section 807 in which a majority of the electors
5 voting on the question in each county of **[the]** probate court district
6 has approved or approves creation of the district.

7 (c) A probate judge in a county having a population of 15,000
8 or more according to the 1990 federal decennial census, if the
9 county is not part of a probate court district created pursuant
10 to law.

11 (d) A probate judge who has the ~~power, authority~~
12 **jurisdiction, powers, duties**, and title of a district judge
13 within his or her respective county pursuant to section 810a.

14 (2) Each probate judge shall receive an annual salary
15 determined as follows:

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

18 (b) An additional salary of \$45,724.00 paid by the county or
19 by the counties comprising a probate court district. If a
20 probate judge receives a total additional salary of \$45,724.00
21 from the county, or from the counties comprising a probate court
22 district, and does not receive less than or more than \$45,724.00,
23 including any cost-of-living allowance, the state shall reimburse
24 the county or counties the amount that the county or counties
25 have paid to the judge.

26 (3) Six thousand dollars of the minimum annual salary
27 provided in subsection (2) shall be paid by the county, or by the

1 counties comprising a probate court district, and the balance of
2 that minimum annual salary shall be paid by the state as a grant
3 to the county or the counties comprising the probate court
4 district. The county, or the counties comprising the probate
5 court district, shall in turn pay that amount to the probate
6 judge. ~~Beginning January 1, 1997, the~~ **The** state shall annually
7 reimburse the county or counties \$6,000.00 for each probate judge
8 to offset the cost of the county or counties required by this
9 section.

10 (4) The salary provided in this section is full compensation
11 for all services performed by a probate judge, except as
12 otherwise provided by law. In a probate court district, each
13 county of the district shall contribute to the salary in the same
14 proportion as the population of the county bears to the
15 population of the district.

16 (5) An additional salary determined by the county board of
17 commissioners may be increased during a term of office but shall
18 not be decreased except to the extent of a general salary
19 reduction in all other branches of government in the county. In
20 a county where an additional salary is granted, it shall be paid
21 at the same rate to all probate judges regularly holding court in
22 the county.

23 (6) An increase in the amount of salary payable to a judge
24 under subsection (1) caused by an increase in the salary payable
25 to a justice of the supreme court resulting from the operation of
26 1968 PA 357, MCL 15.211 to 15.218, is not effective until
27 February 1 of the year in which the increase in the salary of a

1 justice of the supreme court becomes effective. If an increase
2 in salary becomes effective on February 1 of a year in which an
3 increase in the salary of a justice of the supreme court becomes
4 effective, the increase is retroactive to January 1 of that
5 year.

6 Enacting section 1. Sections 807 and 808 of the revised
7 judicature act of 1961, 1961 PA 236, MCL 600.807 and 600.808, as
8 amended by this amendatory act, take effect January 2, 2007.