

SENATE BILL No. 461

May 7, 2003, Introduced by Senators CROPSEY and STAMAS and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 807 and 822 (MCL 600.807 and 600.822),
section 807 as amended by 2002 PA 715 and section 822 as amended
by 2002 PA 92.

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 ~~counties~~ of
6 **following:**

7 (i) Baraga, Houghton, and Keweenaw **counties.**

8 (ii) **Houghton and Baraga counties.**

9 (iii) **Houghton and Keweenaw counties.**

1 (b) The second district consists of the counties of Ontonagon
2 and Gogebic.

3 (c) The third district consists of the counties of Iron and
4 Dickinson.

5 (d) The fifth district consists of the counties of
6 Schoolcraft and Alger.

7 (e) The sixth district consists of the counties of Mackinac
8 and Luce.

9 (f) The seventh district consists of the counties of Emmet
10 and Charlevoix.

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

13 (h) The ninth district consists of the counties of Alpena and
14 Montmorency.

15 (i) The twelfth district consists of the counties of Manistee
16 and Benzie.

17 (j) The thirteenth district consists of the counties of
18 Wexford and Missaukee.

19 ~~(k) The fourteenth district consists of the counties of~~
20 ~~Kalkaska and Crawford.~~

21 **(k)** ~~-(l)-~~ The fifteenth district consists of the counties of
22 Alcona and Oscoda.

23 ~~(m) The sixteenth district consists of the counties of Iosco~~
24 ~~and Arenac.~~

25 **(l)** ~~-(n)-~~ The seventeenth district consists of the counties
26 of Clare and Gladwin.

27 **(m)** ~~-(o)-~~ The eighteenth district consists of the counties of

1 Mecosta and Osceola.

2 ~~(p) The nineteenth district consists of the counties of~~
3 ~~Mason and Lake.~~

4 Sec. 822. (1) ~~A~~ **Except as provided in subsection (6), a**
5 probate judge not ~~described~~ **included** in section 821 shall
6 receive ~~an~~ **a minimum** annual salary of \$20,000.00. Six thousand
7 dollars of the minimum annual salary provided by this subsection
8 shall be paid by the county and the balance of the minimum annual
9 salary shall be paid by the state as a grant to the county. The
10 county shall, in turn, pay that amount to the probate judge.

11 (2) The **minimum** annual salary provided in subsection (1) may
12 be increased but shall not be decreased during the term for which
13 the probate judge has been elected or appointed. This salary is
14 in full compensation for all services performed by the person as
15 probate judge, except as otherwise provided by law. A probate
16 judge whose **minimum** annual salary is provided in subsection (1)
17 shall not represent a party in a contested proceeding in the
18 probate court of this state.

19 (3) In addition to the salary provided in subsection (1), a
20 probate judge may receive from the county in which he or she
21 regularly holds court an additional salary of not more than
22 ~~\$43,000.00~~ **\$45,724.00**, as determined by the county board of
23 commissioners. The additional salary may be increased during a
24 term of office but shall not be decreased except to the extent of
25 a general salary reduction in all other branches of government in
26 the county.

27 (4) ~~The~~ **Except as provided in subsection (8), the total**

1 annual salary of a probate judge, including the salary provided
2 in subsection (1) and any additional salary granted by the county
3 under subsection (3), shall not exceed ~~\$63,000.00~~ **\$65,724.00**.

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

9 (6) A probate judge described in subsection (1) may receive
10 an additional minimum annual salary, in addition to the
11 \$20,000.00 minimum annual salary described in subsection (1), if
12 all of the following apply:

13 (a) The county board of commissioners approves payment to the
14 probate judge of an additional salary from the county in the
15 amount of \$45,724.00 as provided in subsection (3).

16 (b) The county board of commissioners passes a resolution
17 that includes all of the following:

18 (i) A determination of an amount that the county is willing
19 to reimburse the state as an additional minimum annual salary for
20 the probate judge.

21 (ii) An agreement to immediately reimburse the state for the
22 additional minimum annual salary authorized under this
23 subsection.

24 (iii) An agreement that the determination under subparagraph
25 (i) will not be decreased during the term of office of the
26 probate judge.

27 (iv) An agreement that the amount of reimbursement for the

1 additional minimum annual salary will not be decreased during the
2 term of office of the probate judge.

3 (c) The probate judge agrees in writing to the following:

4 (i) To participate in a plan of concurrent jurisdiction as
5 provided in chapter 4.

6 (ii) To participate in a family court plan as provided in
7 chapter 10.

8 (iii) To not engage in the practice of law other than as a
9 judge.

10 (iv) That if he or she becomes included in section 821, any
11 additional minimum annual salary authorized under this subsection
12 would thereafter be considered part of the minimum annual salary
13 described in section 821.

14 (d) The supreme court or the state court administrative
15 office approves the payment of the additional minimum annual
16 salary authorized under this subsection.

17 (7) The additional minimum annual salary authorized under
18 subsection (6) shall be paid by the state as a grant to the
19 county, and the county shall in turn pay that amount to the
20 probate judge in the same manner as provided in section 821(3).
21 The county may increase the determination authorized under
22 subsection (6)(b)(i) and its obligation to reimburse the state
23 during the term of office of the probate judge.

24 (8) The total annual salary paid to a probate judge who
25 receives an additional minimum annual salary under subsection
26 (6), including the minimum annual salary provided in subsection
27 (1), the additional county salary provided in subsection (3), and

1 the additional minimum annual salary provided in subsection (6),
2 shall not exceed 85% of the salary of a justice of the supreme
3 court.

4 (9) If a probate judge described in subsection (1) becomes
5 included in section 821, any additional minimum annual salary
6 authorized under subsection (6) shall thereafter be considered
7 part of the minimum annual salary described in section 821.

8 (10) A probate judge who receives an additional minimum
9 annual salary under subsection (6) shall not engage in the
10 practice of law other than as a judge.