

Legislative Analysis



PROBATE JUDGESHIPS AND DISTRICTS

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Senate Bill 823 (Substitute S-5)
Sponsor: Sen. Alan L. Cropsey

Senate Committee: Appropriations
House Committee: Judiciary

Complete to 12-6-04

A SUMMARY OF SENATE BILL 823 AS PASSED BY THE SENATE

The bill would amend the Revised Judicature Act (MCL 600.807 et al.) to convert part-time probate judges in seven counties to full-time status and add several more to the list in 2007; eliminate the statutory authority for several multi-county probate court districts; and, require the state to pay the costs of a county vote on whether to form a multi-county probate court district, if held after January 2, 2007.

Specifically, the bill would do the following:

Part-time to full-time probate judges. Legislation in 2002 added Section 810a to the code to designate part-time probate judges in Arenac, Kalkaska, Crawford, and Lake Counties as full-time probate judges with district court jurisdiction. The bill would add to this list probate judges in the counties of Barry, Berrien, Iron, Isabella, Ontonagon, Otsego, and Van Buren. Beginning January 2, 2007, the list would also include probate judges in the counties of Alcona, Baraga, Missaukee, Montmorency, Oscoda, and Presque Isle. Instead of specifying that these judges would have the power, authority, and title of a district judge in addition to the power, authority, and title of a probate judge, the bill would state that they had the "jurisdiction, powers, duties, and title" of district judge and probate judge within their respective counties.

Multi-county probate court districts. The code identifies counties that may become part of a probate district by grouping together counties that have part-time probate judges or pairing a county that has a part-time judge with a county that has a full-time probate judge – if approved by local voters. As counties gain full-time probate judges instead of part-time judges, these possible pairings are no longer needed. Therefore, as of January 2, 2007, the bill would eliminate the statutory authority for the eighth, ninth, twelfth, thirteenth, and fifteenth probate court districts.

To form a probate court district, a majority of the electors in each affected county must approve the measure. Public Act 40 of 2003 (enrolled Senate Bill 461), required the state to reimburse the affected counties for one-half of the additional cost of submitting to the electors the question of forming a probate court district – if the question was submitted at a primary, general, or special election held after the bill took effect but before November 3, 2004. Senate Bill 823 would reinstate the state's reimbursement, but it would be for

elections held after January 2, 2007, and would require the reimbursement to be at 100 percent. The provision would take effect January 2, 2007.

MCL 600.807 et al.

FISCAL IMPACT:

By providing for the nine remaining part-time probate judges to become full-time, the bill would increase costs to the state and decrease costs for the affected counties.

Probate judges' salaries are paid by local funding units, which are then reimbursed by the state. Reimbursement for a part-time probate judgeship, however, is limited to \$25,750 of a salary that is statutorily capped at \$65,724; the state, however, reimburses for Social Security and Medicare at the full \$65,724 salary, for an additional state reimbursement of \$5,028. For a full-time probate judgeship, the current cost is approximately \$157,736, a figure that includes the \$139,919 salary, plus costs of Social Security, Medicare, and employer contributions under defined contribution retirement, as shown on Table 1, below.

Table 1

Costs of Full-Time Probate Judgeship, 2003-04 Legislative Session*					
Base Salary	Standardization Payment	FICA	Travel	Retirement**	Total
\$94,195	\$45,724	\$7,423	\$600	\$9,794	\$157,736
*Source: State Court Administrative Office, <i>Judicial Resources Recommendations</i> , October 2003					
**For defined contribution plan members					

By changing all nine existing part-time probate judgeships to full-time judgeships, the bill would increase state costs by approximately \$1.1 million annually, under current compensation schedules. Costs for judgeships in Iron and Ontonagon Counties would commence during the current fiscal year; costs for the other seven judgeships would commence January, 2007.

Table 2 illustrates approximate increased costs over the course of Fiscal Years 2004-05 through 2007-08. The estimate assumes that there would continue to be three of the nine judges in the defined contribution retirement system. Should that number increase, state costs would be higher.

Table 2

Fiscal Year	Fiscal Year	Fiscal Year	Fiscal Year
2004-05*	2005-06	2006-07	2007-08
\$117,164	\$234,328	\$812,894	\$1,083,858
*Assumes part-time probate judgeships in Iron and Ontonagon counties become full-time effective April 1, 2005.			

Finally, the bill would provide for the state to assume the full costs, rather than one-half the costs of an election to create District 1, which would consist of Houghton and Keweenaw Counties. Based on costs of the 2000 presidential primary election, the Department of State has estimated that costs of the Houghton/Keweenaw election would be approximately \$28,500. State costs of the election thus would be \$14,250 more than they otherwise would have been, while local costs would be lower by the same amount.

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■ 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.