

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 6498 (Substitute H-1 as reported with amendment)
Sponsor: Representative Jim Howell
House Committee: Civil Law and the Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to modify the number of circuit or probate judgeships in several counties under certain circumstances, and to provide that the probate judge in Lake County would have the power, authority, and title of a district judge within that county in addition to the power, authority, and title of a probate judge.

Under the RJA, the Third Judicial Circuit (Wayne County) will have 63 judges beginning on January 1, 2003, until January 1, 2005, when that circuit will be reduced to 61 judges. Under the bill, if a vacancy occurred in a judgeship held by a judge who would be ineligible to seek reelection in 2004, that judgeship would be eliminated unless the total number of judgeships in the circuit already had been reduced to 61. In addition, Wayne County has nine probate judges but may have only eight judges upon the expiration of the term of an incumbent judge who is not eligible for reelection or upon the expiration of the term of an incumbent judge who is eligible to seek reelection but who does not do so. Under the bill, the reduction to eight probate judges would occur when there was a vacancy in a judgeship held by an incumbent probate judge whose term expires on January 1, 2005, and would be ineligible to run again, or upon the expiration of the term of an incumbent probate judge who was not eligible to seek reelection.

The 16th Judicial Circuit, which consists of Macomb County, has nine judges. That county also has three probate judges. Under the bill, Macomb County could have one additional circuit judge, effective January 1, 2005. If the incumbent probate judge in Macomb County whose term of office as probate judge expires on January 1, 2005, were elected in 2002 to the office of circuit judge in the 16th judicial circuit, that probate judgeship would be eliminated on January 1, 2005.

Under the RJA, Genesee County has three probate judges until January 1, 2005, when that county will be reduced to two judges. Under the bill, if, after January 1, 2003, there were a vacancy in the judgeship held by the incumbent probate judge whose term expires January 1, 2005, and who would be ineligible to see reelection, that probate judgeship would be eliminated on January 1, 2005.

MCL 600.504 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Based on the 2002 salary of a circuit or probate judge, the State would realize the following amount of savings for each circuit or probate judgeship eliminated:

Salary	\$139,919
Social Security/Medicare	7,293
Defined Contribution Retirement	<u>9,794</u>
Total	\$157,006

Local savings would depend on the cost of fringe benefits for judges provided by the county, support staff costs, and facility-related savings.

Based on the current salary of a probate judge, the State would incur additional salary costs of approximately \$114,169, due to the conversion of a part-time probate judge to full time. Costs to Lake County would include any local benefits provided to judges and support staff costs.

The part-time probate judge in Lake County is currently part of a demonstration project where this judge is performing the responsibilities of a full-time trial court judge.

Date Completed: 12-11-02

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.