

Fiscal Analysis

PROBATE COURT SALARIES AND DISTRICTS



Bill/Sponsor **SENATE BILL 461 (H-1), Sen. Alan Cropsey**

House Committee Judiciary

Analysis **Summary**

Senate Bill 461 would amend the Revised Judicature Act of 1961 to do the following:

- (1) Increase from \$43,000 to \$45,724 the additional annual salary that a part-time probate judge may receive from the county, beyond his or her \$20,000 salary.
- (2) Allow a part-time probate judge to receive another additional salary, for total compensation of up to 85% of the salary of a justice of the Supreme Court, if the county board of commissioners agreed to reimburse the State for the additional annual salary and the probate judge agreed to participate in a plan of concurrent jurisdiction and a family court plan, and not to engage in the practice of law other than as a judge.
- (3) Identify different combinations of counties that could make up the first probate court district, and eliminate authorization for the 14th, 16th, and 19th probate court districts.
- (4) Require the state to reimburse affected counties for one-half the additional cost of submitting the question of whether to form a probate court district to the electors, if such action occurred prior to November 3, 2004.

Fiscal Impact

The salary-related changes in the bill would increase local and state costs to the extent that counties opted to increase the salaries of individual part-time probate court judges. (There are currently 10 such judges in the state.) Since counties would be required to reimburse the state for any increased salary costs, increased state costs would be limited to Social Security and defined contribution retirement costs and would, therefore, be minimal compared to increased salary costs paid by counties.

The state would incur costs under the bill to the extent that county boards of commissioners chose to present their electorates with the question of forming probate court districts. According to information provided by the Secretary of State and the State Court Administrative Office, the maximum costs for special elections to be conducted in Baraga/Houghton counties and Alpena/Montmorency counties—in which the formation of districts appears possible in the near future—would be \$66,000, equating to a maximum state obligation of \$33,000 for those four counties. The total amount of state costs would depend on whether those four counties actually conducted elections and whether any additional counties chose to do so. These costs would be funded, presumably, from a General Fund/General Purpose appropriation.

Given that the changes to authorized probate court districts would not affect currently-existing districts, those changes would have no direct local or state fiscal impact.

Analyst(s)

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