

Legislative Analysis



ADDITIONAL PROBATE JUDGE FOR MACOMB COUNTY

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House Bill 4823 as reported from committee

Sponsor: Rep. Douglas C. Wozniak

Committee: Judiciary

Complete to 10-11-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 310 of 2023)

SUMMARY:

House Bill 4823 would amend the Revised Judicature Act to authorize an additional probate judge for Macomb County beginning January 1, 2025. The county now has two probate judges. The addition of a third probate judgeship would be subject to the approval of the Macomb County Board of Commissioners.

MCL 600.8130

BACKGROUND:

Approval of additional judge

Section 805 of the Revised Judicature Act allows the legislature to authorize an additional probate judgeship to be filled by election if the applicable county board of commissioners approves the creation of the judgeship by resolution filed with the state court administrator by 4 p.m. of the thirteenth Tuesday before the August primary for the November election before the judgeship takes effect. (For a judgeship beginning January 1, 2025, that date appears to be May 7, 2024.)

Section 805 further provides that the county's approval of the judgeship constitutes an exercise of its option to provide a new activity or service or to increase the level of activity or service offered in the county beyond that required by existing law and a voluntary acceptance by the county of all expenses and capital improvements that may result from the creation of the judgeship. The state retains its obligation to pay the same portion of the additional judge's salary as is paid by the state to other probate judges of the same county.

Judicial Resources Recommendations

The State Court Administrative Office (SCAO) reviews the state's judicial needs and compiles its findings in a Judicial Resources Recommendations report that provides recommendations for the addition or removal of judicial seats so that judicial resources are effectively distributed across the state. The 2019 Judicial Resources Recommendations report (due to the pandemic, the most recent) found that Macomb County had a judicial need of additional judges and recommended that a circuit court judge be added to the 16th Circuit.¹

FISCAL IMPACT:

House Bill 4823 would have an indeterminate fiscal impact on the state and on the county. The fiscal impact would result from the addition of one probate court judge in Macomb County.

¹ <https://www.courts.michigan.gov/48ce3d/siteassets/reports/judicial-resources/2019-jrr.pdf>

Local court funding units pay the salaries of probate court judges, and the state reimburses local units for those costs. Fringe benefits, personnel costs, and costs for supplies, equipment, and office space are paid for by the local court systems. In fiscal year 2024, the cost for a probate court judge will be \$196,351. This amount includes the probate court judge's salary of \$172,134 and \$24,217 in estimated payroll taxes and retirement costs. State costs are funded roughly 98% with state GF/GP revenue. Local costs for judgeships vary from court to court. Macomb County could also incur additional staff related costs if it increases the number of court staff positions.

POSITIONS:

Representatives of the following entities testified in support of the bill (9-6-23):

- State Court Administrative Office
- Macomb County Probate Court

The Michigan Association of Counties indicated support for the bill. (9-13-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.