

# Legislative Analysis



## PROBATE COURT CONSOLIDATION

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5859 as reported from committee**  
**Sponsor: Rep. Phil Green**  
**Committee: Judiciary**  
**Complete to 6-24-20**

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

### SUMMARY:

House Bill 5859 would, if approved by local voters, consolidate the probate courts of Huron and Sanilac Counties into the new 32-A probate court district, beginning January 1, 2021.

By law, each county is required to have at least one probate judge. Currently, Huron County has two probate judges and Sanilac County has one. With statutory authorization and approval by a majority of electors in each affected county, two or more counties may form a probate court district.

The bill would amend the Revised Judicature Act to create the Thirty-Second-A Probate Court District, a consolidation of the current Thirty-Second (Huron County) and Seventy-Sixth (Sanilac County) judicial probate courts. Under the bill, beginning January 1, 2021, the new court district would be created if a majority of the electors voting on the question in each affected county approve the probate court district.

Under the bill, beginning January 1, 2021, if the boards of commissioners of the two counties approve the consolidation, the new Thirty-Second-A Probate Court District would have three judges of probate and all of the following would apply:

- The Thirty-Second and Seventy-Sixth probate courts would be abolished. The Thirty-Second-A court district would consist of all of the territory of the two former courts.
- The new probate court district would be divided into three election divisions:
  - The First Division would consist of Sanilac County and have one judge.
  - The Second Division would consist of Huron County and have one judge.
  - The Third Division would consist of the consolidated district of the two counties and have one judge.
- Each of the incumbent judges of the two counties would serve as a judge of probate in the consolidated district for the balance of his or her elected term. Initially, the First Division would be filled by the incumbent judge of the Seventy-Sixth probate court (Sanilac County), the Second Division by an incumbent judge from the Thirty-Second probate court (Huron County), and the Third Division by the longest-serving incumbent judge from the Thirty-Second probate court.

The bill would take effect 90 days after its enactment.

MCL 600.803 and 600.807

## **FISCAL IMPACT:**

House Bill 5859 would have no fiscal impact on the state, but the fiscal impact on the local units is indeterminate at this time. Probate Court judges' salaries are paid by local funding units, which are then reimbursed by the state. Under the bill, the current three judgeships would be retained, so the state would not incur additional costs or achieve any savings due to changes in judgeships. Fringe benefits, personnel costs, costs for computer hardware, software, and other equipment, supplies, materials, and space (e.g., courtrooms, jury rooms, and judges' chambers) are paid for by the local court systems. These costs vary by jurisdiction. It would be up to the three judges to assess whether or not there would be any changes made to physical space, staffing levels, or overall operations. Depending on whether there are changes made and what those changes are, the local units could either incur costs or achieve savings.

## **POSITIONS:**

The Supreme Court Administrative Office indicated support for the bill. (6-24-20)

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