

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 824**

(As Passed the Senate February 19, 1998)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 803 (MCL 600.803), as amended by 1980 PA
129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 803. (1) Except as otherwise provided in this section,
2 each county which is not part of a probate court district created
3 pursuant to sections 808 to 810 or previously created pursuant to
4 law shall have at least 1 judge of probate. ~~Subject to section~~
5 ~~805, the county of Ottawa may have 1 additional judge of probate~~
6 ~~effective January 1, 1981.~~
- 7 (2) Each probate court district created pursuant to law
8 shall have 1 judge of probate.
- 9 (3) The counties of Berrien, Calhoun, Ingham, ~~Jackson,~~
10 ~~Kalamazoo,~~ Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw

SB0824, As Passed House, March 3, 1998

Senate Bill No. 824

2

1 shall each have 2 judges of probate. ~~Subject to section 805,~~
2 ~~the counties of Ingham and Kalamazoo may each have 1 additional~~
3 ~~judge of probate effective January 1, 1981.~~

4 (4) The counties of Genesee, ~~and~~ Macomb, AND KALAMAZOO
5 shall each have 3 judges of probate.

6 (5) The county of Kent shall have 4 judges of probate.

7 (6) The county of Oakland shall have at least 4 judges of
8 probate. The county board of commissioners, by a majority vote
9 of the members of the board, may provide for an additional judge
10 of probate when the board considers it necessary. The county of
11 Oakland shall have not more than 5 judges of probate. The addi-
12 tional probate judge shall be elected at the next general elec-
13 tion which occurs not less than 175 days after authorization by
14 the county board of commissioners. To insure that the judges of
15 probate are elected in different general elections and that not
16 more than 2 of the judges' terms expire at the same time, the
17 first term of the fifth probate judge shall expire on January 1
18 of the next odd numbered year in which 2 existing regular terms
19 do not expire, except that the term shall be for not less than 6
20 years.

21 (7) The county of Wayne shall have at least 8 but not more
22 than 12 judges of probate. The county board of commissioners, by
23 a majority vote of the members of the board, may provide for
24 additional judges of probate when the county board of commission-
25 ers considers it necessary. The additional probate judges shall
26 be elected at the next general election which occurs not less
27 than 175 days after the authorization by the county board of

SB0824, As Passed House, March 3, 1998

Senate Bill No. 824

3

1 commissioners. To insure that the judges of probate are elected
2 in different elections and that not more than 3 of the judges'
3 terms expire at the same time, the first term of a ninth probate
4 judge shall expire on January 1 of the next odd numbered year in
5 which 3 existing regular terms do not expire, except that the
6 term shall be for not less than 6 years. The first term of a
7 tenth probate judge shall be for 6 years. The first term of an
8 eleventh or twelfth probate judge shall expire on January 1 of
9 the odd numbered year in which a total of 4 existing regular
10 terms or terms of simultaneously authorized judgeships do not
11 expire, except that the term shall be for not less than 6 years.

12 (8) When 1 or more new judges of probate are authorized in a
13 county pursuant to this section, the new judgeship or judgeships
14 shall appear on the ballot separate and apart from other judicial
15 offices of the same court in the primary and general election.