

SUBSTITUTE FOR
HOUSE BILL NO. 5108

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 803, 8112, 8156, and 8159 (MCL 600.803,
600.8112, 600.8156, and 600.8159), section 803 as amended by 2002
PA 715 and section 8112 as amended by 1998 PA 13.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 803. (1) Except as otherwise provided in this section,
2 each county ~~which~~**THAT** is not part of a probate court district
3 created ~~pursuant to sections 808 to 810 or previously created~~
4 ~~pursuant to law shall have at least~~**BY LAW HAS** 1 judge of probate.

5 (2) Each probate court district created ~~pursuant to~~**BY** law
6 ~~shall have~~**HAS** 1 judge of probate.

7 (3) **THE COUNTY OF CHIPPEWA HAS THE FOLLOWING NUMBER OF JUDGES**

1 OF PROBATE:

2 (A) UNTIL APRIL 1, 2012, 1 JUDGE.

3 (B) BEGINNING APRIL 1, 2012, UNDER SECTION 15 OF ARTICLE VI OF
4 THE STATE CONSTITUTION OF 1963, THE OFFICE OF PROBATE JUDGE FOR THE
5 COUNTY OF CHIPPEWA SHALL BE COMBINED WITH THE OFFICE OF JUDGE OF
6 THE NINETY-FIRST JUDICIAL DISTRICT, AND THE COUNTY OF CHIPPEWA
7 SHALL HAVE 2 JUDGES OF PROBATE. THE JUDGESHIP ADDED UNDER THIS
8 SUBDIVISION SHALL BE FILLED BY THE INCUMBENT JUDGE OF THE NINETY-
9 FIRST JUDICIAL DISTRICT, WHO SHALL BECOME A PROBATE JUDGE FOR THE
10 COUNTY OF CHIPPEWA FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE
11 WAS ELECTED.

12 (C) BEGINNING THE EARLIER OF THE FOLLOWING DATES, THE COUNTY
13 OF CHIPPEWA HAS 1 JUDGE OF PROBATE:

14 (i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF PROBATE
15 JUDGE IN THIS COUNTY.

16 (ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
17 PROBATE JUDGE IN THIS COUNTY NO LONGER SEEKS ELECTION OR REELECTION
18 TO THAT OFFICE.

19 (4) THE COUNTY OF DELTA HAS THE FOLLOWING NUMBER OF JUDGES OF
20 PROBATE:

21 (A) UNTIL APRIL 1, 2012, 1 JUDGE.

22 (B) BEGINNING APRIL 1, 2012, UNDER SECTION 15 OF ARTICLE VI OF
23 THE STATE CONSTITUTION OF 1963, THE OFFICE OF PROBATE JUDGE FOR THE
24 COUNTY OF DELTA SHALL BE COMBINED WITH THE OFFICE OF JUDGE OF THE
25 NINETY-FOURTH JUDICIAL DISTRICT, AND THE COUNTY OF DELTA SHALL HAVE
26 2 JUDGES OF PROBATE. THE JUDGESHIP ADDED UNDER THIS SUBDIVISION
27 SHALL BE FILLED BY THE INCUMBENT JUDGE OF THE NINETY-FOURTH

1 JUDICIAL DISTRICT, WHO SHALL BECOME A PROBATE JUDGE FOR THE COUNTY
 2 OF DELTA FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE WAS
 3 ELECTED.

4 (C) BEGINNING THE EARLIER OF THE FOLLOWING DATES, THE COUNTY
 5 OF DELTA HAS 1 JUDGE OF PROBATE:

6 (i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF PROBATE
 7 JUDGE IN THIS COUNTY.

8 (ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
 9 PROBATE JUDGE IN THIS COUNTY NO LONGER SEEKS ELECTION OR REELECTION
 10 TO THAT OFFICE.

11 (5) ~~(3)~~—The counties of Berrien, Calhoun, **GENESE**E, Ingham,
 12 **MACOMB**, Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw shall
 13 each have 2 judges of probate.

14 ~~——(4) Until 12 noon, January 1, 2005, the county of Genesee~~
 15 ~~shall have 3 judges of probate; however, if, after 12 noon, January~~
 16 ~~1, 2003, a vacancy occurs in the judgeship held by the incumbent~~
 17 ~~probate judge in Genesee county whose term of office expires~~
 18 ~~January 1, 2005 and who would be ineligible to seek reelection to~~
 19 ~~that office in 2004, that probate judgeship is eliminated effective~~
 20 ~~12 noon, January 1, 2005. Beginning 12 noon, January 1, 2005, the~~
 21 ~~county of Genesee shall have 2 judges of probate.~~

22 ~~——(5) Until 12 noon, January 1, 2005, the county of Macomb shall~~
 23 ~~have 3 judges of probate; however, if the incumbent probate judge~~
 24 ~~in Macomb county whose term of office as probate judge expires on~~
 25 ~~January 1, 2005 is elected in 2002 to the office of circuit judge~~
 26 ~~in the sixteenth judicial circuit for a term beginning January 1,~~
 27 ~~2003, that probate judgeship is eliminated effective 12 noon,~~

1 ~~January 1, 2005. Beginning 12 noon, January 1, 2005, the county of~~
 2 ~~Macomb shall have 2 judges of probate.~~

3 (6) The county of Kalamazoo ~~shall have~~ **HAS** 3 judges of
 4 probate.

5 (7) The county of Kent ~~shall have~~ **HAS** 4 judges of probate.

6 (8) The county of Oakland ~~shall have~~ **HAS** 4 judges of probate.

7 (9) The county of Wayne ~~shall have the following number of~~
 8 ~~judges of probate:~~

9 ~~—— (a) Until subdivision (b) takes effect, the county of Wayne~~
 10 ~~shall have 9 judges of probate.~~

11 ~~—— (b) The county of Wayne shall have~~ **HAS** 8 judges of probate.
 12 ~~beginning on the earliest of the following dates:~~

13 ~~—— (i) Upon the occurrence of a vacancy in a judgeship held by an~~
 14 ~~incumbent probate judge in Wayne county whose term expires on~~
 15 ~~January 1, 2005, and who would be ineligible to seek reelection to~~
 16 ~~that office in 2004.~~

17 ~~—— (ii) Upon the expiration of the term of an incumbent probate~~
 18 ~~judge who is not eligible to seek reelection to that office.~~

19 (10) When 1 or more new judges of probate are authorized in a
 20 county ~~pursuant to~~ **UNDER** this section, the new judgeship or
 21 judgeships shall appear on the ballot separate and apart from other
 22 judicial offices of the same court in the primary and general
 23 election.

24 Sec. 8112. ~~(1) Except as provided in subsection (2), the~~
 25 ~~second district consists of the counties of Lenawee and Hillsdale,~~
 26 ~~is a district of the first class, and is divided into the following~~
 27 ~~election divisions:~~

1 ~~—— (a) The first division consists of the county of Lenawee and~~
 2 ~~has 2 judges.~~

3 ~~—— (b) The second division consists of the county of Hillsdale~~
 4 ~~and has 1 judge.~~

5 ~~—— (2) Effective January 1, 1999, if the county of Lenawee~~
 6 ~~approves the creation of the second a district pursuant to law, and~~
 7 ~~if the county of Hillsdale approves the creation of the second b~~
 8 ~~district pursuant to law, both of the following apply:~~

9 (1) ~~(a)~~ The second-a district consists of the county of
 10 Lenawee, is a district of the first class, and has 2 judges.

11 (2) ~~(b)~~ **UNTIL 12 NOON, JANUARY 1, 2015, THE** second-b
 12 district consists of the county of Hillsdale, is a district of the
 13 first class, and has 1 judge. **BEGINNING 12 NOON, JANUARY 1, 2015,**
 14 **THE SECOND-B DISTRICT CONSISTS OF THE COUNTY OF HILLSDALE AND IS A**
 15 **DISTRICT OF THE FIRST CLASS. UNDER SECTION 810A, THE PROBATE JUDGE**
 16 **FOR THE COUNTY OF HILLSDALE SHALL SERVE AS JUDGE OF THE SECOND-B**
 17 **DISTRICT.**

18 Sec. 8156. ~~The~~ **UNTIL APRIL 1, 2012, THE** ninety-first district
 19 consists of the county of Chippewa, is a district of the first
 20 class, and has 1 judge. **BEGINNING APRIL 1, 2012, THE NINETY-FIRST**
 21 **DISTRICT CONSISTS OF THE COUNTY OF CHIPPEWA AND IS A DISTRICT OF**
 22 **THE FIRST CLASS. UNDER SECTION 810A, A PROBATE JUDGE FOR THE COUNTY**
 23 **OF CHIPPEWA SHALL SERVE AS JUDGE OF THE NINETY-FIRST DISTRICT.**

24 Sec. 8159. ~~The~~ **UNTIL APRIL 1, 2012, THE** ninety-fourth district
 25 consists of the county of Delta, is a district of the first class,
 26 and has 1 judge. **BEGINNING APRIL 1, 2012, THE NINETY-FOURTH**
 27 **DISTRICT CONSISTS OF THE COUNTY OF DELTA AND IS A DISTRICT OF THE**

1 FIRST CLASS. UNDER SECTION 810A, A PROBATE JUDGE FOR THE COUNTY OF
2 DELTA SHALL SERVE AS JUDGE OF THE NINETY-FOURTH DISTRICT.