

SUBSTITUTE FOR

HOUSE BILL NO. 5105

(As amended December 15, 2011)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 803, 805, 810a, 8121, 8123, 8132, 8136, 8138, and 8150 (MCL 600.504, 600.803, 600.805, 600.810a, 600.8121, 600.8123, 600.8132, 600.8136, 600.8138, and 600.8150), sections 504 and 803 as amended by 2002 PA 715, section 805 as amended by 1988 PA 134, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, section 8123 as amended by 2000 PA 448, section 8132 as amended by 1998 PA 47, and section 8138 as amended by 1998 PA 46.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 504. ~~(1)~~The third judicial circuit consists of the
2 county of Wayne and has the following number of judges:
3 (a) Until 12 noon, January 1, ~~2003~~, ~~2013~~, ~~64~~~~61~~ judges.
4 (b) Beginning 12 noon, January 1, ~~2003~~, ~~2013~~, ~~63~~~~<<60>>~~ judges. ↗

House Bill No. 5105 (H-2) as amended December 7, 2011
as amended December 15, 2011

1 ~~however, if, after 12 noon, January 1, 2003, a vacancy occurs in a~~
2 ~~judgeship held by an incumbent judge of this circuit who would be~~
3 ~~ineligible to seek reelection to that office in 2004, that~~
4 ~~judgeship is eliminated unless the total number of judgeships in~~
5 ~~this circuit has been reduced to 61 before that vacancy occurred.~~

6 ~~—— (c) Beginning 12 noon, January 1, 2005, 61 judges.~~

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

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

13 (3) **THE COUNTY OF SANILAC HAS 1 JUDGE OF PROBATE. [**

14 **] UNDER SECTION 15 OF ARTICLE VI OF THE STATE**
15 **CONSTITUTION OF 1963, THE OFFICE OF PROBATE JUDGE FOR THE COUNTY OF**
16 **SANILAC SHALL BE COMBINED WITH THE OFFICE OF JUDGE OF THE SEVENTY-**
17 **THIRD-A JUDICIAL DISTRICT, AND THE INCUMBENT JUDGE OF THE SEVENTY-**
18 **THIRD-A JUDICIAL DISTRICT SHALL BECOME THE PROBATE JUDGE FOR THE**
19 **COUNTY OF SANILAC FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE**
20 **WAS ELECTED.**

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House Bill No. 5105 as amended December 15, 2011

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8 (4)>> ~~(3)~~The counties of Berrien, Calhoun ~~GENESE~~**E**, Ingham,
9 **MACOMB**, Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw shall
10 each have ~~HAS~~ 2 judges of probate.

11 ~~—— (4) Until 12 noon, January 1, 2005, the county of Genesee~~
12 ~~shall have 3 judges of probate; however, if, after 12 noon, January~~
13 ~~1, 2003, a vacancy occurs in the judgeship held by the incumbent~~
14 ~~probate judge in Genesee county whose term of office expires~~
15 ~~January 1, 2005 and who would be ineligible to seek reelection to~~
16 ~~that office in 2004, that probate judgeship is eliminated effective~~
17 ~~12 noon, January 1, 2005. Beginning 12 noon, January 1, 2005, the~~
18 ~~county of Genesee shall have 2 judges of probate.~~

19 ~~—— (5) Until 12 noon, January 1, 2005, the county of Macomb shall~~
20 ~~have 3 judges of probate; however, if the incumbent probate judge~~
21 ~~in Macomb county whose term of office as probate judge expires on~~
22 ~~January 1, 2005 is elected in 2002 to the office of circuit judge~~
23 ~~in the sixteenth judicial circuit for a term beginning January 1,~~
24 ~~2003, that probate judgeship is eliminated effective 12 noon,~~
25 ~~January 1, 2005. Beginning 12 noon, January 1, 2005, the county of~~
26 ~~Macomb shall have 2 judges of probate.~~

27 << (5) (6) >> The county of Kalamazoo shall have ~~HAS~~ 3 judges of

House Bill No. 5105 as amended December 15, 2011

1 probate.

2 <<(6)(7)>> The county of Kent ~~shall have~~ **HAS** 4 judges of probate.

3 <<(7)(8)>> The county of Oakland ~~shall have~~ **HAS** 4 judges of
4 probate.

4 <<(8)(9)>> The county of Wayne ~~shall have the following number of~~
5 ~~judges of probate.~~

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

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

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

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

16 <<(9)(10)>> When 1 or more new judges of probate are authorized
17 in a
18 county ~~pursuant to~~ **UNDER** this section, the new judgeship or
19 judgeships shall appear on the ballot separate and apart from other
20 judicial offices of the same court in the primary and general
21 election.

21 Sec. 805. (1) The additional judges of probate permitted by
22 section 803 shall not be ~~authorized to be~~ filled by election unless
23 the county, by resolution adopted by the county board of
24 commissioners, approves the creation of that judgeship and unless
25 the clerk of that county files a copy of the resolution with the
26 state court administrator not later than 4 p.m. of the thirteenth
27 Tuesday preceding the August primary for the election to fill the

1 additional judge of probate. The state court administrator shall
2 immediately notify the county clerk with respect to any new judge
3 of probate authorized for that county ~~pursuant to~~ **UNDER** this
4 subsection.

5 (2) By permitting an additional judgeship, the legislature is
6 not creating that judgeship. If a county, acting through its board
7 of commissioners, approves the creation of an additional judge of
8 probate, that approval constitutes an exercise of the county's
9 option to provide a new activity or service or to increase the
10 level of activity or service offered in the county beyond that
11 required by existing law, as the elements of that option are
12 defined by ~~Act No. 101 of the Public Acts of 1979, being sections~~
13 ~~21.231 to 21.244 of the Michigan Compiled Laws 1979 PA 101, MCL~~
14 **21.231 TO 21.244**, and a voluntary acceptance by the county of all
15 expenses and capital improvements ~~which~~ **THAT** may result from the
16 creation of the judgeship. However, the exercise of the option does
17 not affect the state's obligation to pay the same portion of the
18 additional judge's salary ~~which~~ **THAT** is paid by the state to the
19 other judges of probate of the same county, or to appropriate and
20 disburse funds to the county for the necessary costs of state
21 requirements established by a state law ~~which becomes effective~~
22 **THAT TAKES EFFECT** on or after December 23, 1978.

23 (3) Each additional judgeship created ~~pursuant to~~ **UNDER**
24 subsection (1) shall be filled by election ~~pursuant to~~ **UNDER** the
25 Michigan election law, ~~Act No. 116 of the Public Acts of 1954, as~~
26 ~~amended, being sections 168.1 to 168.992 of the Michigan Compiled~~
27 ~~Laws 1954 PA 116, MCL 168.1 TO 168.992~~. The first term of each

1 Livonia, is a district of the third class, and has 2 judges.

2 (2) The seventeenth district consists of the township of
3 Redford in the county of Wayne, is a district of the third class,
4 and has 2 judges.

5 (3) The eighteenth district consists of the city of Westland,
6 is a district of the third class, and has 2 judges.

7 (4) The nineteenth district consists of the city of Dearborn,
8 is a district of the third class, and has 3 judges.

9 (5) The twentieth district consists of the city of Dearborn
10 Heights, is a district of the third class, and has 2 judges.

11 (6) The twenty-first district consists of the city of Garden
12 City, is a district of the third class, and has 1 judge.

13 (7) The twenty-second district consists of the city of
14 Inkster, is a district of the third class, and has 1 judge.

15 (8) The twenty-third district consists of the city of Taylor,
16 is a district of the third class, and has 2 judges.

17 (9) The twenty-fourth district consists of the cities of Allen
18 Park and Melvindale, is a district of the third class, and has 2
19 judges.

20 (10) The twenty-fifth district consists of the city of Lincoln
21 Park, is a district of the third class, and has 2 judges. **BEGINNING**

22 **APRIL 1, 2012, THE TWENTY-FIFTH DISTRICT CONSISTS OF THE CITIES OF**
23 **ECORSE, LINCOLN PARK, AND RIVER ROUGE, IS A DISTRICT OF THE THIRD**
24 **CLASS, AND HAS 3 JUDGES. THE ADDITIONAL JUDGESHIP IN THE TWENTY-**
25 **FIFTH DISTRICT SHALL BE FILLED BY THE INCUMBENT JUDGE OF THE**
26 **TWENTY-SIXTH DISTRICT, WHO SHALL BECOME A JUDGE OF THE TWENTY-FIFTH**
27 **DISTRICT FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE WAS ELECTED**

1 OR APPOINTED. SECTIONS 8175 AND 8176 DO NOT APPLY TO THE APRIL 1,
2 2012 REFORMATION OF THE TWENTY-FIFTH DISTRICT.

3 (11) The twenty-sixth district consists of the cities of River
4 Rouge and Ecorse, is a district of the third class, and ~~is divided~~
5 ~~into the following election divisions:~~

6 ~~—— (a) The first division consists of the city of River Rouge and~~
7 ~~has 1 judge.~~

8 ~~—— (b) The second division consists of the city of Ecorse and has~~
9 1 judge. **BEGINNING ON APRIL 1, 2012, THE TWENTY-SIXTH DISTRICT IS**
10 **ABOLISHED AND THE JUDGE OF THE TWENTY-SIXTH DISTRICT SHALL BECOME A**
11 **JUDGE OF THE TWENTY-FIFTH DISTRICT FOR THE BALANCE OF THE TERM TO**
12 **WHICH HE OR SHE WAS ELECTED OR APPOINTED.**

13 (12) The twenty-seventh district consists of the following, ~~as~~
14 ~~applicable:~~

15 ~~—— (a) Until January 1, 2003 or until a vacancy occurs in a~~
16 ~~judgeship in the twenty seventh district, whichever occurs first,~~
17 ~~the twenty seventh district consists of the cities of Wyandotte and~~
18 ~~Riverview, is a district of the third class, and is divided into~~
19 ~~the following election divisions:~~

20 ~~—— (i) The first division consists of the city of Wyandotte and~~
21 ~~has 1 judge.~~

22 ~~—— (ii) The second division consists of the city of Riverview and~~
23 ~~has 1 judge.~~

24 ~~—— (b) Beginning January 1, 2003 or the date on which a vacancy~~
25 ~~occurs in a judgeship in the twenty seventh district, whichever~~
26 ~~occurs first, the twenty seventh district consists of the cities of~~
27 ~~Wyandotte and Riverview, is a district of the third class, and has~~

1 1 judge. ~~The remaining incumbent judge of the twenty-seventh~~
 2 ~~district shall serve as the judge of the entire twenty-seventh~~
 3 ~~district for the balance of the term to which he or she was elected~~
 4 ~~or appointed.~~

5 (13) The twenty-eighth district consists of the city of
 6 Southgate, is a district of the third class, and has 1 judge.

7 (14) The twenty-ninth district consists of the city of Wayne,
 8 is a district of the third class, and has 1 judge.

9 (15) The thirtieth district consists of the city of Highland
 10 Park, is a district of the third class, and has ~~the following~~
 11 ~~number of judges:~~ **1 JUDGE.**

12 ~~— (a) Until subdivision (b) takes effect, this district has 2~~
 13 ~~judges.~~

14 ~~— (b) This district has 1 judge beginning on the earlier of the~~
 15 ~~following dates:~~

16 ~~— (i) The date on which a vacancy occurs in the office of~~
 17 ~~district judge in this district.~~

18 ~~— (ii) 12 noon, January 1, 2003.~~

19 (16) The thirty-first district consists of the city of
 20 Hamtramck, is a district of the third class, and has 1 judge.

21 (17) The thirty-second-a district consists of the city of
 22 Harper Woods, is a district of the third class, and has 1 judge.

23 (18) The thirty-second-b district consists of the cities of
 24 Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and Grosse
 25 Pointe Farms, and the village of Grosse Pointe Shores, is a
 26 district of the third class, and has 1 judge.

27 (19) The thirty-third district consists of the cities of

1 Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the
2 townships of Brownstown and Grosse Ile in the county of Wayne, is a
3 district of the third class, and has 3 judges.

4 (20) The thirty-fourth district consists of the townships of
5 Sumpter, Van Buren, and Huron in the county of Wayne and the cities
6 of Romulus and Belleville, is a district of the third class, and
7 has 3 judges.

8 (21) The thirty-fifth district consists of the cities of
9 Northville and Plymouth and the townships of Northville, Plymouth,
10 and Canton in the county of Wayne, is a district of the third
11 class, and has 2-3 judges. ~~Subject to section 8175, this district~~
12 ~~may have 1 additional judge effective January 1, 2003. If a new~~
13 ~~office of judge is added to this district to be filled by election~~
14 ~~in 2002, the term of office of the judge for that election only~~
15 ~~shall be 8 years.~~

16 Sec. 8123. (1) The forty-third district consists of the cities
17 of Madison Heights, Ferndale, and Hazel Park, is a district of the
18 third class, and has 3 judges.

19 (2) The forty-fourth district consists of the city of Royal
20 Oak, is a district of the third class, and has 2 judges.

21 (3) The forty-fifth-a district consists of the city of
22 Berkley, is a district of the third class, and has 1 judge.

23 (4) The forty-fifth-b district consists of the cities of
24 Huntington Woods, Oak Park, and Pleasant Ridge and the township of
25 Royal Oak in the county of Oakland, is a district of the third
26 class, and has 2 judges.

27 (5) The forty-sixth district consists of the cities of

1 Southfield and Lathrup Village and the township of Southfield in
2 the county of Oakland, is a district of the third class, and has 3
3 judges.

4 (6) The forty-seventh district consists of the cities of
5 Farmington and Farmington Hills, is a district of the third class,
6 and has 2 judges. Subject to section 8175, this district may have 1
7 additional judge subject to review and recommendation by the state
8 court administrator to the legislature and subsequent legislation,
9 if and when a district court judgeship is eliminated within the
10 state of Michigan.

11 (7) The forty-eighth district consists of the cities of
12 Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and
13 Orchard Lake Village and the townships of Bloomfield and West
14 Bloomfield in the county of Oakland, is a district of the third
15 class, and has 3 judges.

16 (8) The fiftieth district consists of the city of Pontiac, is
17 a district of the third class, and has 4 judges.

18 (9) The fifty-first district consists of the township of
19 Waterford in the county of Oakland, is a district of the third
20 class, and has 2 judges.

21 (10) The fifty-second district consists of the county of
22 Oakland except the cities of Madison Heights, Ferndale, Hazel Park,
23 Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge,
24 Southfield, Lathrup Village, Farmington, Farmington Hills,
25 Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village,
26 Birmingham, Bloomfield Hills, and Pontiac and the townships of
27 Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford,

1 is a district of the second class, and is divided into the
2 following election divisions:

3 (a) The first division consists of the cities of Novi, South
4 Lyon, Wixom, and Walled Lake and the townships of Milford,
5 Highland, Commerce, Lyon, and Novi **AND HAS 3 JUDGES**. ~~Until January~~
6 ~~1, 2003, the first division also includes the townships of Rose and~~
7 ~~White Lake. The first division has 3 judges. Subject to section~~
8 ~~8175, this division may have 1 additional judge effective January~~
9 ~~1, 2003. If the Oakland county board of commissioners approves that~~
10 ~~additional judgeship, the judgeship in the first division that is~~
11 ~~filled by the district judge of the first division whose term~~
12 ~~expires January 1, 2005 is transferred to the second division,~~
13 ~~effective January 1, 2003.~~

14 (b) The second division consists of the city of the village of
15 Clarkston and the townships of Springfield, Independence, Holly,
16 Groveland, and Brandon, . ~~Beginning January 1, 2003, the second~~
17 ~~division also includes the townships of Rose, and White Lake **AND**~~
18 **HAS 2 JUDGES**. ~~The second division has 1 judge; however, effective~~
19 ~~January 1, 2003, this division shall have 2 judges if a judgeship~~
20 ~~is transferred to this division from the first division pursuant to~~
21 ~~subdivision (a).~~

22 (c) The third division consists of the cities of Rochester,
23 Auburn Hills, Rochester Hills, and Lake Angelus and the townships
24 of Oxford, Addison, Orion, and Oakland and has 3 judges.

25 (d) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE**
26 fourth division consists of the cities of Troy and Clawson and has
27 3 judges. **BEGINNING 12 NOON, JANUARY 1, 2013, THE FOURTH DIVISION**

House Bill No. 5105 as amended December 15, 2011

1 HAS 2 JUDGES.

2 Sec. 8132. ~~(1) Except as provided in subsection (2), the~~
 3 ~~sixty fifth district consists of the counties of Gratiot and~~
 4 ~~Clinton, is a district of the first class, and is divided into the~~
 5 ~~following election divisions:~~

6 ~~— (a) The first division consists of the county of Gratiot and~~
 7 ~~has 1 judge.~~

8 ~~— (b) The second division consists of the county of Clinton and~~
 9 ~~has 1 judge.~~

10 ~~— (2) Effective January 1, 1999, if the county of Clinton~~
 11 ~~approves the creation of the sixty fifth a district pursuant to law~~
 12 ~~and if the county of Gratiot approves the creation of the sixty-~~
 13 ~~fifth b district pursuant to law, both of the following apply:~~

14 (1) ~~(a)~~ **<<The UNTIL 12 NOON, JANUARY 1, 2015, THE>>** sixty-fifth-a
 15 district consists of the county of
 Clinton, is a district of the first class, and has 1 judge. **<<BEGINNING**
12 NOON, JANUARY 1, 2015, THE SIXTY-FIFTH-A DISTRICT CONSISTS OF THE
COUNTY OF CLINTON AND IS A DISTRICT OF THE FIRST CLASS. UNDER SECTION
810A, THE PROBATE JUDGE FOR THE COUNTY OF CLINTON SHALL SERVE AS A
JUDGE OF THE SIXTY-FIFTH-A DISTRICT.>>

16 (2) ~~(b)~~ **<<The** >> sixty-fifth-b district
 17 consists of the county of Gratiot, is a district of the first
 18 class, and has 1 judge. **<<**

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22 Sec. 8136. (1) The seventy-first-A district consists of the
 23 county of Lapeer, is a district of the first class, and has 2
 24 judges. **BEGINNING 12 NOON, JANUARY 1, 2013, THE SEVENTY-FIRST-A**
 25 **DISTRICT HAS 1 JUDGE.**

26 (2) The seventy-first-B district consists of the county of
 27 Tuscola, is a district of the first class, and has 1 judge.

1 Sec. 8138. ~~(1) Except as provided in subsection (2), the~~
 2 ~~seventy third district consists of the counties of Huron and~~
 3 ~~Sanilac, is a district of the first class, and is divided into the~~
 4 ~~following election divisions:~~

5 ~~—— (a) The first division consists of the county of Huron and has~~
 6 ~~1 judge.~~

7 ~~—— (b) The second division consists of the county of Sanilac and~~
 8 ~~has 1 judge.~~

9 ~~—— (2) Effective January 1, 1999, if the county of Sanilac~~
 10 ~~approves the creation of the seventy third a district pursuant to~~
 11 ~~law, and if the county of Huron approves the creation of the~~
 12 ~~seventy third b district pursuant to law, both of the following~~
 13 ~~apply:~~

14 (1) ~~(a)~~The seventy-third-a district consists of the county of
 15 Sanilac ~~,~~**AND** is a district of the first class. ~~,~~~~and has 1~~
 16 ~~judge.~~**UNDER SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF**
 17 **SANILAC SHALL SERVE AS JUDGE OF THE SEVENTY-THIRD-A DISTRICT.**

18 (2) ~~(b)~~The seventy-third-b district consists of the county of
 19 Huron, is a district of the first class, and has 1 judge.

20 Sec. 8150. The eighty-fifth district consists of the counties
 21 of Manistee and Benzie ~~,~~**AND** is a district of the first class. ~~and~~
 22 ~~has 1 judge.~~**UNDER SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF**
 23 **MANISTEE SHALL SERVE AS JUDGE OF THE EIGHTY-FIFTH DISTRICT WITHIN**
 24 **MANISTEE COUNTY AND THE PROBATE JUDGE FOR THE COUNTY OF BENZIE**
 25 **SHALL SERVE AS JUDGE OF THE EIGHTY-FIFTH DISTRICT WITHIN BENZIE**
 26 **COUNTY.**