

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Rep. Cotter

ENROLLED HOUSE BILL No. 5105

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," 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:

Sec. 504. The third judicial circuit consists of the county of Wayne and has the following number of judges:

- (a) Until 12 noon, January 1, 2013, 61 judges.
- (b) Beginning 12 noon, January 1, 2013, 60 judges.

Sec. 803. (1) Except as otherwise provided in this section, each county that is not part of a probate court district created by law has 1 judge of probate.

(2) Each probate court district created by law has 1 judge of probate.

(3) The county of Sanilac has 1 judge of probate. Under section 15 of article VI of the state constitution of 1963, the office of probate judge for the county of Sanilac shall be combined with the office of judge of the seventy-third-a judicial district, and the incumbent judge of the seventy-third-a judicial district shall become the probate judge for the county of Sanilac for the balance of the term to which he or she was elected.

(4) The counties of Berrien, Genesee, Ingham, Macomb, Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw each has 2 judges of probate.

(5) The county of Kalamazoo has 3 judges of probate.

(6) The county of Kent has 4 judges of probate.

(7) The county of Oakland has 4 judges of probate.

(8) The county of Wayne has 8 judges of probate.

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

Sec. 805. (1) The additional judges of probate permitted by section 803 shall not be filled by election unless the county, by resolution adopted by the county board of commissioners, approves the creation of that judgeship and unless the clerk of that county files a copy of the resolution with the state court administrator not later than 4 p.m. of the thirteenth Tuesday preceding the August primary for the election to fill the additional judge of probate. The state court administrator shall immediately notify the county clerk with respect to any new judge of probate authorized for that county under this subsection.

(2) By permitting an additional judgeship, the legislature is not creating that judgeship. If a county, acting through its board of commissioners, approves the creation of an additional judge of probate, that approval constitutes an exercise of the county's 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, as the elements of that option are defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by the county of all expenses and capital improvements that may result from the creation of the judgeship. However, the exercise of the option does not affect the state's obligation to pay the same portion of the additional judge's salary that is paid by the state to the other judges of probate of the same county, or to appropriate and disburse funds to the county for the necessary costs of state requirements established by a state law that takes effect on or after December 23, 1978.

(3) Each additional judgeship created under subsection (1) shall be filled by election under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The first term of each additional judgeship shall be 6 years unless the law permitting the additional judgeship provides for a term of a different length.

(4) A combination of the office of probate judge with a judicial office of limited jurisdiction within a county under section 15 of article VI of the state constitution of 1963 that does not result in an increase in the total number of trial judgeships in the county does not require a resolution of approval by the county board of commissioners under this section.

Sec. 810a. (1) The probate judges in the counties of Arenac, Kalkaska, Crawford, Lake, Iron, and Ontonagon have the jurisdiction, powers, duties, and title of a district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of a probate judge.

(2) Beginning January 2, 2007, in addition to the probate judges described in subsection (1), the probate judges in the counties of Alcona, Baraga, Benzie, Missaukee, Montmorency, Oscoda, and Presque Isle have the jurisdiction, powers, duties, and title of a district judge within their respective counties, in addition to the jurisdiction, powers, duties, and title of a probate judge.

(3) In counties where the only district judgeship is being eliminated and the section in chapter 81 that governs that district court district provides that this section applies, the probate judge in that county shall have the jurisdiction, powers, duties, and title of a district judge within that county, in addition to the jurisdiction, powers, duties, and title of a probate judge.

Sec. 8121. (1) The sixteenth district consists of the city of Livonia, is a district of the third class, and has 2 judges.

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

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

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

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

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

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

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

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

(10) The twenty-fifth district consists of the city of Lincoln Park, is a district of the third class, and has 2 judges. Beginning April 1, 2012, the twenty-fifth district consists of the cities of Ecorse, Lincoln Park, and River Rouge, is a district of the third class, and has 3 judges. The additional judgeship in the twenty-fifth district shall be filled by the incumbent judge of the twenty-sixth district, who shall become a judge of the twenty-fifth district for the balance of the term to which he or she was elected or appointed. Sections 8175 and 8176 do not apply to the April 1, 2012 reformation of the twenty-fifth district.

(11) The twenty-sixth district consists of the cities of River Rouge and Ecorse, is a district of the third class, and has 1 judge. Beginning on April 1, 2012, the twenty-sixth district is abolished and the judge of the twenty-sixth district shall become a judge of the twenty-fifth district for the balance of the term to which he or she was elected or appointed.

(12) The twenty-seventh district consists of the cities of Wyandotte and Riverview, is a district of the third class, and has 1 judge.

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

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

(15) The thirtieth district consists of the city of Highland Park, is a district of the third class, and has 1 judge.

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

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

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

(19) The thirty-third district consists of the cities of Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the townships of Brownstown and Grosse Ile in the county of Wayne, is a district of the third class, and has 3 judges.

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

(21) The thirty-fifth district consists of the cities of Northville and Plymouth and the townships of Northville, Plymouth, and Canton in the county of Wayne, is a district of the third class, and has 3 judges.

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

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

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

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

(5) The forty-sixth district consists of the cities of Southfield and Lathrup Village and the township of Southfield in the county of Oakland, is a district of the third class, and has 3 judges.

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

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

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

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

(10) The fifty-second district consists of the county of Oakland except the cities of Madison Heights, Ferndale, Hazel Park, Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge, Southfield, Lathrup Village, Farmington, Farmington Hills, Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village, Birmingham, Bloomfield Hills, and Pontiac and the townships of Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford, is a district of the second class, and is divided into the following election divisions:

(a) The first division consists of the cities of Novi, South Lyon, Wixom, and Walled Lake and the townships of Milford, Highland, Commerce, Lyon, and Novi and has 3 judges.

(b) The second division consists of the city of the village of Clarkston and the townships of Springfield, Independence, Holly, Groveland, Brandon, Rose, and White Lake and has 2 judges.

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

(d) Except as otherwise provided in this subdivision, the fourth division consists of the cities of Troy and Clawson and has 3 judges. Beginning 12 noon, January 1, 2013, the fourth division has 2 judges.

Sec. 8132. (1) Until 12 noon, January 1, 2015, the sixty-fifth-a 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.

(2) The sixty-fifth-b district consists of the county of Gratiot, is a district of the first class, and has 1 judge.

Sec. 8136. (1) The seventy-first-a district consists of the county of Lapeer, is a district of the first class, and has 2 judges. Beginning 12 noon, January 1, 2013, the seventy-first-a district has 1 judge.

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

Sec. 8138. (1) The seventy-third-a district consists of the county of Sanilac and is a district of the first class. Under section 810a, the probate judge for the county of Sanilac shall serve as judge of the seventy-third-a district.

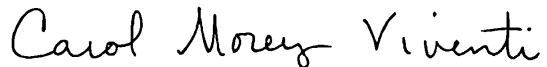
(2) The seventy-third-b district consists of the county of Huron, is a district of the first class, and has 1 judge.

Sec. 8150. The eighty-fifth district consists of the counties of Manistee and Benzie and is a district of the first class. Under section 810a, the probate judge for the county of Manistee shall serve as judge of the eighty-fifth district within Manistee county and the probate judge for the county of Benzie shall serve as judge of the eighty-fifth district within Benzie county.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor