

SENATE BILL NO. 824

December 2, 1997, Introduced by Senator HOFFMAN and referred to the Committee on Judiciary.

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 sec-
2 tion, each county which 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 1 judge of probate. ~~Subject~~
5 ~~to section 805, the county of Ottawa may have 1 additional judge~~
6 ~~of probate effective January 1, 1981.~~ EFFECTIVE JANUARY 1, 1999,
7 THE COUNTY OF JACKSON SHALL HAVE 1 JUDGE OF PROBATE.
8 (2) Each probate court district created pursuant to law
9 shall have 1 judge of probate.

1 (3) The counties of Berrien, Calhoun, Ingham, ~~Jackson,~~
2 ~~Kalamazoo,~~ Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw
3 shall each have 2 judges of probate. ~~Subject to section 805,~~
4 ~~the counties of Ingham and Kalamazoo may each have 1 additional~~
5 ~~judge of probate effective January 1, 1981.~~

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

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

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

23 (7) The county of Wayne shall have at least 8 but not more
24 than 12 judges of probate. The county board of commissioners, by
25 a majority vote of the members of the board, may provide for
26 additional judges of probate when the county board of
27 commissioners considers it necessary. The additional probate

1 judges shall be elected at the next general election which occurs
2 not less than 175 days after the authorization by the county
3 board of commissioners. To insure that the judges of probate are
4 elected in different elections and that not more than 3 of the
5 judges' terms expire at the same time, the first term of a ninth
6 probate judge shall expire on January 1 of the next odd numbered
7 year in which 3 existing regular terms do not expire, except that
8 the term shall be for not less than 6 years. The first term of a
9 tenth probate judge shall be for 6 years. The first term of an
10 eleventh or twelfth probate judge shall expire on January 1 of
11 the odd numbered year in which a total of 4 existing regular
12 terms or terms of simultaneously authorized judgeships do not
13 expire, except that the term shall be for not less than 6 years.

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