

SB0764, As Passed House, December 11, 2001

REPRINT

SUBSTITUTE FOR

SENATE BILL NO. 764

(As passed the Senate December 5, 2001)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 508, 803, and 8134 (MCL 600.508, 600.803, and 600.8134), section 803 as amended by 1998 PA 55 and section 8134 as amended by 1987 PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 508. The seventh judicial circuit consists of the
2 county of Genesee and has 7 judges. SUBJECT TO SECTION 550, THIS
3 JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1,
4 2003 AND 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 2005.

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

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1 (2) Each probate court district created pursuant to law
2 shall have 1 judge of probate.

3 (3) The counties of Berrien, Calhoun, Ingham, Monroe,
4 Muskegon, Saginaw, St. Clair, and Washtenaw shall each have 2
5 judges of probate. BEGINNING 12 NOON, JANUARY 1, 2005, THE
6 COUNTY OF GENESEE SHALL HAVE 2 JUDGES OF PROBATE.

7 (4) The counties of ~~Genesee,~~ Macomb ~~,~~ and Kalamazoo
8 shall each have 3 judges of probate. UNTIL 12 NOON, JANUARY 1,
9 2005, THE COUNTY OF GENESEE SHALL HAVE 3 JUDGES OF PROBATE.

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

11 (6) The county of Oakland shall have ~~at least~~ 4 judges of
12 probate. ~~The county board of commissioners, by a majority vote~~
13 ~~of the members of the board, may provide for an additional judge~~
14 ~~of probate when the board considers it necessary. The county of~~
15 ~~Oakland shall have not more than 5 judges of probate. The addi-~~
16 ~~tional probate judge shall be elected at the next general elec-~~
17 ~~tion which occurs not less than 175 days after authorization by~~
18 ~~the county board of commissioners. To insure that the judges of~~
19 ~~probate are elected in different general elections and that not~~
20 ~~more than 2 of the judges' terms expire at the same time, the~~
21 ~~first term of the fifth probate judge shall expire on January 1~~
22 ~~of the next odd numbered year in which 2 existing regular terms~~
23 ~~do not expire, except that the term shall be for not less than~~
24 ~~6 years.~~

25 (7) The county of Wayne shall have ~~at least 8 but not more~~
26 ~~than 12~~ [9 judges of probate.] ~~The county board of~~
27 ~~commissioners, by a majority vote of the members of the board,~~

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~~1 may provide for additional judges of probate when the county
2 board of commissioners considers it necessary. The additional
3 probate judges shall be elected at the next general election
4 which occurs not less than 175 days after the authorization by
5 the county board of commissioners. To insure that the judges of
6 probate are elected in different elections and that not more than
7 3 of the judges' terms expire at the same time, the first term of
8 a ninth probate judge shall expire on January 1 of the next odd
9 numbered year in which 3 existing regular terms do not expire,
10 except that the term shall be for not less than 6 years. The
11 first term of a tenth probate judge shall be for 6 years. The
12 first term of an eleventh or twelfth probate judge shall expire
13 on January 1 of the odd numbered year in which a total of 4
14 existing regular terms or terms of simultaneously authorized
15 judgeships do not expire, except that the term shall be for not
16 less than 6 years. [THE FOLLOWING NUMBER OF JUDGES OF PROBATE:
 (A) UNTIL SUBDIVISION (B) TAKES EFFECT, THE COUNTY OF WAYNE
 SHALL HAVE 9 JUDGES OF PROBATE.
 (B) THE COUNTY OF WAYNE SHALL HAVE 8 JUDGES OF PROBATE
 BEGINNING ON THE EARLIEST OF THE FOLLOWING DATES:
 (i) UPON THE EXPIRATION OF THE TERM OF AN INCUMBENT PROBATE
 JUDGE WHO IS ELIGIBLE TO SEEK REELECTION BUT WHO DOES NOT FILE BY
 AFFIDAVIT TO SEEK REELECTION TO THAT OFFICE OR WHO WITHDRAWS WITHIN
 3 DAYS AFTER FILING BY AFFIDAVIT TO SEEK REELECTION TO THAT OFFICE.
 (ii) UPON THE EXPIRATION OF THE TERM OF AN INCUMBENT PROBATE
 JUDGE WHO IS NOT ELIGIBLE TO SEEK REELECTION TO THAT OFFICE.]~~

17 (8) When 1 or more new judges of probate are authorized in a
18 county pursuant to this section, the new judgeship or judgeships
19 shall appear on the ballot separate and apart from other judicial
20 offices of the same court in the primary and general election.
21 Sec. 8134. (1) The sixty-seventh district consists of the
22 county of Genesee except the city of Flint, is a district of the
23 second class, and is divided into the following election
24 divisions:
25 (a) The first division consists of the cities of Flushing
26 and Clio and the townships of Flushing, Flint, Montrose,
27 Thetford, and Vienna and has 1 judge.

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1 (b) The second division consists of the cities of Davison
2 and Burton and the townships of Davison, Forest, Richfield, and
3 Atlas and has 2 judges.

4 (c) The third division consists of the city of Mt. Morris
5 and the townships of Mt. Morris and Genesee and has 1 judge.

6 (d) The fourth division consists of the cities of Fenton,
7 Grand Blanc, and Swartz Creek and the townships of Fenton,
8 Argentine, Grand Blanc, Mundy, Gaines, and Clayton and has 2
9 judges.

10 (2) Notwithstanding any other provision of this act, the
11 county board of commissioners may by resolution designate the
12 county seat as a place where the court for the sixty-seventh dis-
13 trict shall sit in a central court facility. The adoption of
14 such a resolution shall not require the approval of the majority
15 of the judges of the district, and shall bind the county to main-
16 tain a court facility in each municipality in the sixty-seventh
17 district where a court facility exists on the date of the
18 resolution.

19 (3) The sixty-eighth district consists of the city of Flint,
20 is a district of the third class, and has THE FOLLOWING NUMBER OF
21 JUDGES:

22 (A) UNTIL SUBDIVISION (B) TAKES EFFECT, THIS DISTRICT HAS 6
23 judges. ~~Subject to section 8175, this district may have 1 addi-~~
24 ~~tional judge effective January 1, 1981.~~

25 (B) THIS DISTRICT HAS 5 JUDGES BEGINNING ON THE EARLIER OF
26 THE FOLLOWING DATES:

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1 *(i)* THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
2 DISTRICT JUDGE IN THIS DISTRICT.

3 *(ii)* THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
4 DISTRICT JUDGE IN THIS DISTRICT NO LONGER SEEKS REELECTION TO
5 THAT OFFICE.

6 Enacting section 1. This amendatory act does not take
7 effect unless all of the following bills of the 91st Legislature
8 are enacted into law:

9 (a) Senate Bill No. 76.

10 (b) Senate Bill No. 765.

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12 [(c)] Senate Bill No. 786.

13 [(d)] Senate Bill No. 825.

14 [(e)] House Bill No. 5357.

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