

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5102**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 550a, 803, 8138, and 8156 (MCL 600.550a,
600.803, 600.8138, and 600.8156), section 550a as amended by 2002
PA 92 and sections 803 and 8138 as amended by 2011 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 550a. (1) If a new judicial circuit is proposed by law,
2 that new circuit shall not be created and any circuit judgeship
3 proposed for the circuit shall not be authorized or filled by
4 election unless each county in the proposed circuit, by resolution
5 adopted by the county board of commissioners, approves the creation
6 of the new circuit and each judgeship proposed for the circuit and
7 unless the clerk of each county adopting that resolution files a
8 copy of the resolution with the state court administrator not later

1 than 4 p.m. of the sixteenth Tuesday preceding the August primary
2 immediately following the effective date of the amendatory act
3 permitting the creation of the new circuit. The state court
4 administrator shall immediately notify the elections division of
5 the department of state with respect to each new judicial circuit
6 and circuit judgeship authorized ~~pursuant to~~ **UNDER** this subsection.

7 (2) By proposing a new judicial circuit and 1 or more circuit
8 judgeships for the circuit, the legislature is not creating that
9 circuit or any judgeship in the circuit. If a county, acting
10 through its board of commissioners, approves the creation of a new
11 circuit and 1 or more circuit judgeships proposed by law for that
12 circuit, that approval constitutes an exercise of the county's
13 option to provide a new activity or service or to increase the
14 level of activity or service offered in the county beyond that
15 required by existing law, as the elements of that option are
16 defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary
17 acceptance by the county of all expenses and capital improvements
18 ~~which~~ **THAT** may result from the creation of the new circuit and each
19 judgeship. However, the exercise of the option does not affect the
20 state's obligation to pay a portion of the circuit judge's or
21 judges' salary as provided by law, or to appropriate and disburse
22 funds to the county for the necessary costs of state requirements
23 established by a state law ~~which becomes effective~~ **THAT TAKES**
24 **EFFECT** on or after December 23, 1978.

25 (3) Each circuit judgeship created ~~pursuant to~~ **UNDER**
26 subsection (1) shall be filled by election ~~pursuant to~~ **UNDER** the
27 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The first

1 term of each circuit judgeship ~~shall be~~ **IS** 6 years, unless the law
2 permitting the creation of the new circuit and 1 or more judgeships
3 provides for a term of a different length.

4 (4) The reformation of the eleventh, twenty-third, twenty-
5 sixth, thirty-fourth, fiftieth, and fifty-third judicial circuits
6 ~~pursuant to the 2002 amendatory act that added this subsection~~
7 **UNDER 2002 PA 92** does not require ~~the~~ **A RESOLUTION OF** approval ~~of~~
8 **BY** the county board of commissioners under this section or section
9 550.

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

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

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

22 (4) **THE COUNTY OF HURON HAS THE FOLLOWING NUMBER OF JUDGES OF**
23 **PROBATE:**

24 (A) **UNTIL APRIL 1, 2012, 1 JUDGE.**

25 (B) **BEGINNING APRIL 1, 2012, UNDER SECTION 15 OF ARTICLE VI OF**
26 **THE STATE CONSTITUTION OF 1963, THE OFFICE OF PROBATE JUDGE FOR THE**
27 **COUNTY OF HURON SHALL BE COMBINED WITH THE OFFICE OF JUDGE OF THE**

1 SEVENTY-THIRD-B JUDICIAL DISTRICT, AND THE COUNTY OF HURON SHALL
2 HAVE 2 JUDGES OF PROBATE. THE JUDGESHIP ADDED UNDER THIS
3 SUBDIVISION SHALL BE FILLED BY THE INCUMBENT JUDGE OF THE SEVENTY-
4 THIRD-B JUDICIAL DISTRICT, WHO SHALL BECOME A PROBATE JUDGE FOR THE
5 COUNTY OF HURON FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE WAS
6 ELECTED.

7 (C) BEGINNING THE EARLIER OF THE FOLLOWING DATES, THE COUNTY
8 OF HURON HAS 1 JUDGE OF PROBATE:

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

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

14 (5) THE COUNTY OF CHIPPEWA HAS THE FOLLOWING NUMBER OF JUDGES
15 OF PROBATE:

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

17 (B) BEGINNING APRIL 1, 2012, UNDER SECTION 15 OF ARTICLE VI OF
18 THE STATE CONSTITUTION OF 1963, THE OFFICE OF PROBATE JUDGE FOR THE
19 COUNTY OF CHIPPEWA SHALL BE COMBINED WITH THE OFFICE OF JUDGE OF
20 THE NINETY-FIRST JUDICIAL DISTRICT, AND THE COUNTY OF CHIPPEWA
21 SHALL HAVE 2 JUDGES OF PROBATE. THE JUDGESHIP ADDED UNDER THIS
22 SUBDIVISION SHALL BE FILLED BY THE INCUMBENT JUDGE OF THE NINETY-
23 FIRST JUDICIAL DISTRICT, WHO SHALL BECOME A PROBATE JUDGE FOR THE
24 COUNTY OF CHIPPEWA FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE
25 WAS ELECTED.

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

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

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

6 (6) ~~(4)~~—The counties of Berrien, Genesee, Ingham, Macomb,
7 Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw each has 2
8 judges of probate.

9 (7) ~~(5)~~—The county of Kalamazoo has 3 judges of probate.

10 (8) ~~(6)~~—The county of Kent has 4 judges of probate.

11 (9) ~~(7)~~—The county of Oakland has 4 judges of probate.

12 (10) ~~(8)~~—The county of Wayne has 8 judges of probate.

13 (11) ~~(9)~~—When 1 or more new judges of probate are authorized
14 in a county under this section, the new judgeship or judgeships
15 shall appear on the ballot separate and apart from other judicial
16 offices of the same court in the primary and general election.

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

21 (2) ~~The~~ **UNTIL APRIL 1, 2012, THE** seventy-third-b district
22 consists of the county of Huron, is a district of the first class,
23 and has 1 judge. **BEGINNING APRIL 1, 2012, THE SEVENTY-THIRD-B**
24 **DISTRICT CONSISTS OF THE COUNTY OF HURON AND IS A DISTRICT OF THE**
25 **FIRST CLASS. UNDER SECTION 810A, A PROBATE JUDGE FOR THE COUNTY OF**
26 **HURON SHALL SERVE AS JUDGE OF THE SEVENTY-THIRD-B DISTRICT.**

27 Sec. 8156. ~~The~~ **UNTIL APRIL 1, 2012, THE** ninety-first district

1 consists of the county of Chippewa, is a district of the first
2 class, and has 1 judge. BEGINNING APRIL 1, 2012, THE NINETY-FIRST
3 DISTRICT CONSISTS OF THE COUNTY OF CHIPPEWA AND IS A DISTRICT OF
4 THE FIRST CLASS. UNDER SECTION 810A, A PROBATE JUDGE FOR THE COUNTY
5 OF CHIPPEWA SHALL SERVE AS JUDGE OF THE NINETY-FIRST DISTRICT.