

Act No. 36
Public Acts of 2012
Approved by the Governor
February 28, 2012
Filed with the Secretary of State
February 28, 2012
EFFECTIVE DATE: February 28, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Rep. Heise

ENROLLED HOUSE BILL No. 5102

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 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:

Sec. 550a. (1) If a new judicial circuit is proposed by law, that new circuit shall not be created and any circuit judgeship proposed for the circuit shall not be authorized or filled by election unless each county in the proposed circuit, by resolution adopted by the county board of commissioners, approves the creation of the new circuit and each judgeship proposed for the circuit and unless the clerk of each county adopting that resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the August primary immediately following the effective date of the amendatory act permitting the creation of the new circuit. The state court administrator shall immediately notify the elections division of the department of state with respect to each new judicial circuit and circuit judgeship authorized under this subsection.

(2) By proposing a new judicial circuit and 1 or more circuit judgeships for the circuit, the legislature is not creating that circuit or any judgeship in the circuit. If a county, acting through its board of commissioners, approves the creation of a new circuit and 1 or more circuit judgeships proposed by law for that circuit, 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 new circuit and each judgeship. However, the exercise of the option does not affect the state's obligation to pay a portion of the circuit judge's or judges' salary as provided by law, 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 circuit 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 circuit judgeship is 6 years, unless the law permitting the creation of the new circuit and 1 or more judgeships provides for a term of a different length.

(4) The reformation of the eleventh, twenty-third, twenty-sixth, thirty-fourth, fiftieth, and fifty-third judicial circuits under 2002 PA 92 does not require a resolution of approval by the county board of commissioners under this section or section 550.

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 county of Huron has the following number of judges of probate:

(a) Until April 1, 2012, 1 judge.

(b) Beginning April 1, 2012, under section 15 of article VI of the state constitution of 1963, the office of probate judge for the county of Huron shall be combined with the office of judge of the seventy-third-b judicial district, and the county of Huron shall have 2 judges of probate. The judgeship added under this subdivision shall be filled by the incumbent judge of the seventy-third-b judicial district, who shall become a probate judge for the county of Huron for the balance of the term to which he or she was elected.

(c) Beginning the earlier of the following dates, the county of Huron has 1 judge of probate:

(i) The date on which a vacancy occurs in the office of probate judge in this county.

(ii) The beginning date of the term for which an incumbent probate judge in this county no longer seeks election or reelection to that office.

(5) The county of Chippewa has the following number of judges of probate:

(a) Until April 1, 2012, 1 judge.

(b) Beginning April 1, 2012, under section 15 of article VI of the state constitution of 1963, the office of probate judge for the county of Chippewa shall be combined with the office of judge of the ninety-first judicial district, and the county of Chippewa shall have 2 judges of probate. The judgeship added under this subdivision shall be filled by the incumbent judge of the ninety-first judicial district, who shall become a probate judge for the county of Chippewa for the balance of the term to which he or she was elected.

(c) Beginning the earlier of the following dates, the county of Chippewa has 1 judge of probate:

(i) The date on which a vacancy occurs in the office of probate judge in this county.

(ii) The beginning date of the term for which an incumbent probate judge in this county no longer seeks election or reelection to that office.

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

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

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

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

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

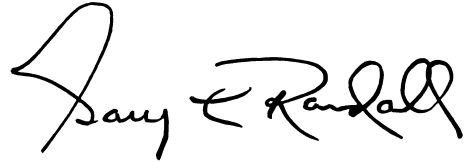
(11) When 1 or more new judges of probate are authorized in a county under this section, the new judgeship or judgeships shall appear on the ballot separate and apart from other judicial offices of the same court in the primary and general election.

Sec. 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.

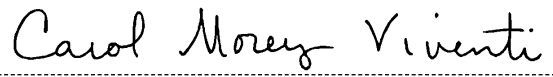
(2) Until April 1, 2012, the seventy-third-b district consists of the county of Huron, is a district of the first class, and has 1 judge. Beginning April 1, 2012, the seventy-third-b district consists of the county of Huron and is a district of the first class. Under section 810a, a probate judge for the county of Huron shall serve as judge of the seventy-third-b district.

Sec. 8156. Until April 1, 2012, the ninety-first district consists of the county of Chippewa, is a district of the first class, and has 1 judge. Beginning April 1, 2012, the ninety-first district consists of the county of Chippewa and is a district of the first class. Under section 810a, a probate judge for the county of Chippewa shall serve as judge of the ninety-first district.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor