

SUBSTITUTE FOR
HOUSE BILL NO. 5357

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 517 and 803 (MCL 600.517 and 600.803), section 517 as amended by 1990 PA 54 and section 803 as amended by 1998 PA 55.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 517. The sixteenth judicial circuit consists of the
2 county of Macomb and has ~~8~~ 9 judges. Subject to section 550,
3 this circuit may have ~~1~~ 2 additional ~~judge~~ JUDGES effective
4 January 1, ~~1991~~ 2003. IF 2 NEW OFFICES OF JUDGE ARE ADDED TO
5 THIS CIRCUIT BY ELECTION IN 2002, THE CANDIDATE RECEIVING THE
6 HIGHEST NUMBER OF VOTES IN THE NOVEMBER 2002 GENERAL ELECTION
7 SHALL BE ELECTED FOR A TERM OF 8 YEARS, AND THE CANDIDATE
8 RECEIVING THE SECOND HIGHEST NUMBER OF VOTES SHALL BE ELECTED FOR
9 A TERM OF 6 YEARS.

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

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

7 (3) The counties of Berrien, Calhoun, Ingham, Monroe,
8 Muskegon, Saginaw, St. Clair, and Washtenaw shall each have 2
9 judges of probate.

10 (4) The counties of Genesee, Macomb, and Kalamazoo shall
11 each have 3 judges of probate.

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

13 (6) The county of Oakland shall have at least 4 judges of
14 probate. The county board of commissioners, by a majority vote
15 of the members of the board, may provide for an additional judge
16 of probate when the board considers it necessary. The county of
17 Oakland shall have not more than 5 judges of probate. The addi-
18 tional probate judge shall be elected at the next general elec-
19 tion which occurs not less than 175 days after authorization by
20 the county board of commissioners. To insure that the judges of
21 probate are elected in different general elections and that not
22 more than 2 of the judges' terms expire at the same time, the
23 first term of the fifth probate judge shall expire on January 1
24 of the next odd numbered year in which 2 existing regular terms
25 do not expire, except that the term shall be for not less than
26 6 years.

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1 (7) The county of Wayne shall have ~~at least 8 but not more~~
2 ~~than 12 judges of probate. The county board of commissioners, by~~
3 ~~a majority vote of the members of the board, may provide for~~
4 ~~additional judges of probate when the county board of commission=~~
5 ~~ers considers it necessary. The additional probate judges shall~~
6 ~~be elected at the next general election which occurs not less~~
7 ~~than 175 days after the authorization by the county board of~~
8 ~~commissioners. To insure that the judges of probate are elected~~
9 ~~in different elections and that not more than 3 of the judges'~~
10 ~~terms expire at the same time, the first term of a ninth probate~~
11 ~~judge shall expire on January 1 of the next odd numbered year in~~
12 ~~which 3 existing regular terms do not expire, except that the~~
13 ~~term shall be for not less than 6 years. The first term of a~~
14 ~~tenth probate judge shall be for 6 years. The first term of an~~
15 ~~eleventh or twelfth probate judge shall expire on January 1 of~~
16 ~~the odd numbered year in which a total of 4 existing regular~~
17 ~~terms or terms of simultaneously authorized judgeships do not~~
18 ~~expire, except that the term shall be for not less than 6 years.~~
19 THE FOLLOWING NUMBER OF JUDGES OF PROBATE:

20 (A) UNTIL SUBDIVISION (B) TAKES EFFECT, THE COUNTY OF WAYNE
21 SHALL HAVE 9 JUDGES OF PROBATE.

22 (B) THE COUNTY OF WAYNE SHALL HAVE 8 JUDGES OF PROBATE
23 BEGINNING ON THE EARLIEST OF THE FOLLOWING DATES:

24 (i) UPON THE EXPIRATION OF THE TERM OF AN INCUMBENT PROBATE
25 JUDGE WHO IS ELIGIBLE TO SEEK REELECTION BUT WHO DOES NOT FILE BY
26 AFFIDAVIT TO SEEK REELECTION TO THAT OFFICE OR WHO WITHDRAWS

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1 WITHIN 3 DAYS AFTER FILING BY AFFIDAVIT TO SEEK REELECTION TO
2 THAT OFFICE.

3 (ii) UPON THE EXPIRATION OF THE TERM OF AN INCUMBENT PROBATE
4 JUDGE WHO IS NOT ELIGIBLE TO SEEK REELECTION TO THAT OFFICE.

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