

SENATE BILL No. 1159

April 22, 2004, Introduced by Senators ALLEN and STAMAS and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803 and 807 (MCL 600.803 and 600.807), section 803 as amended by 2002 PA 715 and section 807 as amended by 2003 PA 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 803. (1) Except as otherwise provided in this section,
 2 each county ~~which~~ **that** 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.

5 (2) Each probate court district created pursuant to law shall
 6 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. **Effective 12 noon, January 1, 2005, the**

1 county of Presque Isle shall have 2 judges of probate.

2 (4) Until 12 noon, January 1, 2005, the county of Genesee
3 shall have 3 judges of probate; however, if, after 12 noon,
4 January 1, 2003, a vacancy occurs in the judgeship held by the
5 incumbent probate judge in Genesee county whose term of office
6 expires January 1, 2005 and who would be ineligible to seek
7 reelection to that office in 2004, that probate judgeship is
8 eliminated effective 12 noon, January 1, 2005. Beginning
9 12 noon, January 1, 2005, the county of Genesee shall have
10 2 judges of probate.

11 (5) Until 12 noon, January 1, 2005, the county of Macomb
12 shall have 3 judges of probate; however, if the incumbent probate
13 judge in Macomb county whose term of office as probate judge
14 expires on January 1, 2005 is elected in 2002 to the office of
15 circuit judge in the sixteenth judicial circuit for a term
16 beginning January 1, 2003, that probate judgeship is eliminated
17 effective 12 noon, January 1, 2005. Beginning 12 noon, January
18 1, 2005, the county of Macomb shall have 2 judges of probate.

19 (6) The county of Kalamazoo shall have 3 judges of probate.

20 (7) The county of Kent shall have 4 judges of probate.

21 (8) The county of Oakland shall have 4 judges of probate.

22 (9) The county of Wayne shall have the following number of
23 judges of probate:

24 (a) Until subdivision (b) takes effect, the county of Wayne
25 shall have 9 judges of probate.

26 (b) The county of Wayne shall have 8 judges of probate
27 beginning on the earliest of the following dates:

1 (i) Upon the occurrence of a vacancy in a judgeship held by
2 an incumbent probate judge in Wayne county whose term expires on
3 January 1, 2005, and who would be ineligible to seek reelection
4 to that office in 2004.

5 (ii) Upon the expiration of the term of an incumbent probate
6 judge who is not eligible to seek reelection to that office.

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

11 Sec. 807. A probate court district is created in each of
12 the following described districts when a majority of the electors
13 voting on the question in each affected county approves the
14 probate court district. The districts shall consist as follows:

15 (a) The first district consists of any of the following:

16 (i) Baraga, Houghton, and Keweenaw counties.

17 (ii) Houghton and Baraga counties.

18 (iii) Houghton and Keweenaw counties.

19 (b) The second district consists of the counties of Ontonagon
20 and Gogebic.

21 (c) The third district consists of the counties of Iron and
22 Dickinson.

23 (d) The fifth district consists of the counties of
24 Schoolcraft and Alger.

25 (e) The sixth district consists of the counties of Mackinac
26 and Luce.

27 (f) The seventh district consists of the counties of Emmet

1 and Charlevoix.

2 ~~(g) The eighth district consists of the counties of~~
3 ~~Cheboygan and Presque Isle.~~

4 (g) ~~—(h)—~~ The ninth district consists of the counties of
5 Alpena and Montmorency.

6 (h) ~~—(i)—~~ The twelfth district consists of the counties of
7 Manistee and Benzie.

8 (i) ~~—(j)—~~ The thirteenth district consists of the counties of
9 Wexford and Missaukee.

10 (j) ~~—(k)—~~ The fifteenth district consists of the counties of
11 Alcona and Oscoda.

12 (k) ~~—(l)—~~ The seventeenth district consists of the counties
13 of Clare and Gladwin.

14 (l) ~~—(m)—~~ The eighteenth district consists of the counties of
15 Mecosta and Osceola.