

HOUSE BILL No. 5374

October 26, 2005, Introduced by Rep. Van Regenmorter and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 507, 508, 517, 518, 542, 549a, 549g, 803, 8134, and 8135 (MCL 600.507, 600.508, 600.517, 600.518, 600.542, 600.549a, 600.549g, 600.803, 600.8134, and 600.8135), section 507 as amended by 2001 PA 252, sections 508 and 8134 as amended by 2001 PA 253, sections 517 and 803 as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 542 as amended by 1984 PA 95, section 549g as added by 1981 PA 182, and section 8135 as amended by 1982 PA 161.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 507. The sixth judicial circuit consists of the county of
2 Oakland and has ~~17~~ 19 judges. Subject to section 550, this

1 judicial circuit may have ~~2~~ 1 additional ~~judges~~ **JUDGE** effective
2 January 1, ~~2003~~ **2007, AND 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1,**
3 **2009.**

4 Sec. 508. The seventh judicial circuit consists of the county
5 of Genesee and has ~~7~~ 9 judges. Subject to section 550, this
6 judicial circuit may have 1 additional judge effective January 1,
7 ~~2003 and 1 additional judge effective January 1, 2005~~ **2007.**

8 Sec. 517. The sixteenth judicial circuit consists of the
9 county of Macomb and has ~~9~~ 12 judges. Subject to section 550,
10 this circuit may have ~~2~~ 1 additional ~~judges~~ **JUDGE** effective
11 January 1, ~~2003, and 1 additional judge effective January 1, 2005~~
12 **2007.** ~~If 2 new offices of judge are added to this circuit by~~
13 ~~election in 2002, the candidate receiving the highest number of~~
14 ~~votes in the November 2002 general election shall be elected for a~~
15 ~~term of 8 years, and the candidate receiving the second highest~~
16 ~~number of votes shall be elected for a term of 6 years. If a new~~
17 ~~office of judge is added to this circuit by election in 2004, the~~
18 ~~term of office of that judgeship for that election only shall be 8~~
19 ~~years.~~

20 Sec. 518. The seventeenth judicial circuit consists of the
21 county of Kent and has ~~7~~ 9 judges. Subject to section 550, this
22 judicial circuit may have ~~2~~ 1 additional ~~judges~~ **JUDGE** effective
23 January 1, ~~2003~~ **2007.**

24 Sec. 542. The forty-first judicial circuit consists of the
25 counties of Dickinson, Iron, and Menominee and has ~~1~~ judge.
26 ~~Subject to section 550, this circuit may have 1 additional judge~~
27 ~~effective January 1, 1985.~~ **THE FOLLOWING NUMBER OF JUDGES:**

1 (A) UNTIL SUBDIVISION (B) TAKES EFFECT, THE FORTY-FIRST
2 JUDICIAL CIRCUIT HAS 2 JUDGES.

3 (B) THE FORTY-FIRST JUDICIAL CIRCUIT SHALL HAVE 1 JUDGE ON THE
4 EARLIER OF THE FOLLOWING DATES:

5 (i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF CIRCUIT
6 JUDGE IN THIS JUDICIAL CIRCUIT.

7 (ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
8 CIRCUIT JUDGE IN THIS JUDICIAL CIRCUIT NO LONGER SEEKS REELECTION
9 TO THAT OFFICE.

10 Sec. 549a. The forty-ninth judicial circuit consists of the
11 counties of Mecosta and Osceola and has 1 judge. **SUBJECT TO SECTION**
12 **550, THIS JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE**
13 **JANUARY 1, 2007.**

14 Sec. 549g. ~~If the county of Isabella approves the reformation~~
15 ~~of the twenty-first judicial circuit pursuant to law and the~~
16 ~~counties of Clare and Gladwin approve the creation of the fifty-~~
17 ~~fifth judicial circuit pursuant to law, the~~ **THE** fifty-fifth
18 judicial circuit consists of the counties of Clare and Gladwin and
19 has 1 judge. ~~effective January 1, 1982.~~ **SUBJECT TO SECTION 550,**
20 **THIS JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY**
21 **1, 2007.**

22 Sec. 803. (1) Except as otherwise provided in this section,
23 each county which is not part of a probate court district created
24 pursuant to sections 808 to 810 or previously created pursuant to
25 law ~~shall have at least~~ **HAS** 1 judge of probate.

26 (2) Each probate court district created pursuant to law ~~shall~~
27 ~~have~~ **HAS** 1 judge of probate.

1 (3) The counties of Berrien, Calhoun, **GENESEE**, Ingham, **MACOMB**,
2 Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw ~~shall~~ each
3 have **HAS** 2 judges of probate.

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

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

20 (4) ~~—(6)—~~ The county of Kalamazoo ~~shall have~~ **HAS** 3 judges of
21 probate.

22 (5) ~~—(7)—~~ The county of Kent ~~shall have~~ **HAS** 4 judges of
23 probate.

24 (6) ~~—(8)—~~ **UNTIL 12 NOON, JANUARY 1, 2009, THE** county of
25 Oakland ~~shall have~~ **HAS** 4 judges of probate. **BEGINNING 12 NOON,**
26 **JANUARY 1, 2009, THE COUNTY OF OAKLAND SHALL HAVE 3 JUDGES OF**
27 **PROBATE.**

1 (7) ~~-(9) The~~ **UNTIL 12 NOON, JANUARY 1, 2007, THE** county of
2 Wayne ~~shall have the following number of judges of probate:~~

3 ~~— (a) Until subdivision (b) takes effect, the county of Wayne~~
4 ~~shall have 9 judges of probate.~~

5 ~~— (b) The county of Wayne shall have~~ **HAS** 8 judges of probate.
6 ~~beginning on the earliest of the following dates:~~

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

11 ~~— (ii) Upon the expiration of the term of an incumbent probate~~
12 ~~judge who is not eligible to seek reelection to that office.~~

13 **BEGINNING 12 NOON, JANUARY 1, 2007, THE COUNTY OF WAYNE SHALL HAVE**
14 **7 JUDGES OF PROBATE.**

15 (8) ~~-(10)~~ When 1 or more new judges of probate are authorized
16 in a county pursuant to this section, the new judgeship or
17 judgeships shall appear on the ballot separate and apart from other
18 judicial offices of the same court in the primary and general
19 election.

20 Sec. 8134. (1) The sixty-seventh district consists of the
21 county of Genesee except the city of Flint, is a district of the
22 second class, and is divided into the following election divisions:

23 (a) The first division consists of the cities of Flushing and
24 Clio and the townships of Flushing, Flint, Montrose, Thetford, and
25 Vienna and has 1 judge.

26 (b) The second division consists of the cities of Davison and
27 Burton and the townships of Davison, Forest, Richfield, and Atlas

1 and has 2 judges.

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

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

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

16 (3) The sixty-eighth district consists of the city of Flint,
17 is a district of the third class, and has the following number of
18 judges:

19 (a) Until subdivision (b) takes effect, this district has ~~6~~
20 5 judges.

21 (b) This district has ~~5~~ 4 judges beginning on the earlier of
22 the following dates:

23 (i) The date on which a vacancy occurs in the office of
24 district judge in this district.

25 (ii) The beginning date of the term for which an incumbent
26 district judge in this district no longer seeks reelection to that
27 office.

1 Sec. 8135. The seventieth district consists of the county of
2 Saginaw, is a district of the first class, and is divided into the
3 following election divisions:

4 (a) The first division consists of the cities of Saginaw and
5 Zilwaukee and the townships of Zilwaukee, Buena Vista, Carrollton,
6 and Bridgeport and has ~~3~~ **THE FOLLOWING NUMBER OF** judges: ~~—~~

7 **(B) UNTIL SUBDIVISION (C) TAKES EFFECT, THIS ELECTION DIVISION**
8 **HAS 3 JUDGES.**

9 **(C) THIS ELECTION DIVISION HAS 2 JUDGES BEGINNING ON THE**
10 **EARLIER OF THE FOLLOWING DATES:**

11 **(i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF**
12 **DISTRICT JUDGE IN THIS ELECTION DIVISION.**

13 **(ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT**
14 **DISTRICT JUDGE IN THIS ELECTION DIVISION NO LONGER SEEKS REELECTION**
15 **TO THAT OFFICE.**

16 **(D) ~~(b)~~** The second division consists of the county of
17 Saginaw except the cities of Saginaw and Zilwaukee and the
18 townships of Zilwaukee, Buena Vista, Carrollton, and Bridgeport and
19 has 3 judges.