

SENATE BILL No. 709

January 14, 2016, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 401, 507, 517, 803, 808, 841, 8115, 8121a,
8123, 8159, 8162, and 8304 (MCL 600.401, 600.507, 600.517, 600.803,
600.808, 600.841, 600.8115, 600.8121a, 600.8123, 600.8159,
600.8162, and 600.8304), section 401 as amended by 2012 PA 338,
section 507 as amended by 2014 PA 57, section 517 as amended by
2014 PA 56, section 803 as amended by 2012 PA 36, section 808 as
amended by 2004 PA 492, sections 841 and 8304 as amended by 2013 PA
164, and sections 8121a and 8123 as amended by 2014 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 401. (1) Within each judicial circuit, subject to
2 approval by the supreme court and to the limitations contained in
3 sections 410, 841, and 8304, a plan of concurrent jurisdiction

1 shall be adopted by a majority vote of all of the judges of the
2 trial courts in the plan unless a majority of all of the judges of
3 the trial courts in that judicial circuit vote not to have a plan
4 of concurrent jurisdiction. If a majority of all of the judges of
5 the trial courts in a judicial circuit vote not to have a plan of
6 concurrent jurisdiction, the chief judge of the circuit court of
7 that judicial circuit shall report the results of that vote to the
8 state court administrator.

9 **(2) AMONG JUDICIAL CIRCUITS, SUBJECT TO APPROVAL BY THE**
10 **SUPREME COURT AND TO THE LIMITATIONS CONTAINED IN SECTIONS 410,**
11 **841, AND 8304, A PLAN OF CONCURRENT JURISDICTION MAY BY ADOPTED BY**
12 **A MAJORITY VOTE OF ALL OF THE JUDGES OF THE TRIAL COURTS IN THE**
13 **PLAN.**

14 **(3) ~~(2)~~**A plan of concurrent jurisdiction under this section
15 may provide for 1 or more of the following:

16 (a) The circuit court and 1 or more circuit judges may
17 exercise the power and jurisdiction of the probate court.

18 (b) The circuit court and 1 or more circuit judges may
19 exercise the power and jurisdiction of the district court.

20 (c) The probate court and 1 or more probate judges may
21 exercise the power and jurisdiction of the circuit court.

22 (d) The probate court and 1 or more probate judges may
23 exercise the power and jurisdiction of the district court.

24 (e) The district court and 1 or more district judges may
25 exercise the power and jurisdiction of the circuit court.

26 (f) The district court and 1 or more district judges may
27 exercise the power and jurisdiction of the probate court.

1 (g) If there are multiple district court districts within the
2 judicial circuit, 1 or more district judges may exercise the power
3 and jurisdiction of judge of another district court district within
4 the judicial circuit.

5 (H) IF THE PLAN INVOLVES MULTIPLE CIRCUITS, 1 OR MORE DISTRICT
6 JUDGES MAY EXERCISE THE POWER AND JURISDICTION OF JUDGE OF ANOTHER
7 DISTRICT COURT DISTRICT WITHIN THE JUDICIAL CIRCUITS.

8 (I) IF THE PLAN INVOLVES MULTIPLE CIRCUITS, 1 OR MORE PROBATE
9 JUDGES MAY EXERCISE THE POWER AND JURISDICTION OF JUDGE OF ANOTHER
10 PROBATE COURT WITHIN THE JUDICIAL CIRCUITS.

11 (J) IF THE PLAN INVOLVES MULTIPLE CIRCUITS, 1 OR MORE CIRCUIT
12 JUDGES MAY EXERCISE THE POWER AND JURISDICTION OF JUDGE OF ANOTHER
13 CIRCUIT COURT WITHIN THE JUDICIAL CIRCUITS.

14 (4) ~~(3)~~—A plan of concurrent jurisdiction under this section
15 shall provide for the transfer or assignment of cases between the
16 trial courts affected by the plan and to individual judges of those
17 courts as necessary to implement the plan and to fairly distribute
18 the workload among those judges.

19 (5) ~~(4)~~—A plan of concurrent jurisdiction under this section
20 may include agreements as to other matters involving the operation
21 of the trial courts participating in the plan, as approved by the
22 supreme court.

23 (6) ~~(5)~~—A plan of concurrent jurisdiction becomes effective
24 upon the approval of the plan by the supreme court.

25 (7) ~~(6)~~—This section does not apply to the counties of
26 Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, which
27 have district court districts of the third class.

1 Sec. 507. (1) The sixth judicial circuit consists of the
2 county of Oakland and, except as otherwise provided in this
3 section, has 19 judges.

4 ~~—— (2) Subject to section 550, this circuit has 18 judges during~~
5 ~~the period beginning 12 noon, January 1, 2011 and ending 12 noon,~~
6 ~~January 1, 2015. The judgeship temporarily eliminated from this~~
7 ~~circuit during the period of January 1, 2011 to January 1, 2015~~
8 ~~shall be the judgeship of a judge who is not eligible to run for~~
9 ~~reelection due to constitutional limitation on January 5, 2010. In~~
10 ~~the 2014 election, the initial term of office of the judgeship~~
11 ~~being restored shall be 8 years.~~

12 (2) ~~(3)~~ Subject to section 550, this judicial circuit may have
13 1 additional judge beginning January 1, 2019.

14 (3) **SUBJECT TO SECTION 550, THIS JUDICIAL CIRCUIT MAY HAVE 1**
15 **ADDITIONAL JUDGE BEGINNING JANUARY 1, 2021.**

16 Sec. 517. (1) The sixteenth judicial circuit consists of the
17 county of Macomb and, except as otherwise provided in this section,
18 has 13 judges.

19 (2) Subject to section 550, this circuit has 12 judges during
20 the period beginning 12 noon, January 1, 2011 and ending 12 noon,
21 January 1, 2017. The 1 judgeship temporarily eliminated from this
22 circuit during the period of January 1, 2011 to January 1, 2017
23 shall be the judgeship of a judge who is not eligible to run for
24 reelection due to constitutional limitation on January 5, 2010.

25 (3) Subject to section 550, this judicial circuit may have 1
26 additional judge beginning January 1, 2017.

27 (4) Subject to section 550, this judicial circuit may have 1

1 additional judge beginning January 1, 2019. if this new judgeship
2 is added to the sixteenth judicial circuit, the initial term of
3 office of the judgeship shall be 8 years.

4 **(5) SUBJECT TO SECTION 550, THIS JUDICIAL CIRCUIT MAY HAVE 1**
5 **ADDITIONAL JUDGE BEGINNING JANUARY 1, 2021.**

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

9 (2) Each probate court district created by law has 1 judge of
10 probate.

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

18 (4) The county of Huron has the following number of judges of
19 probate:

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

21 (b) Beginning April 1, 2012, under section 15 of article VI of
22 the state constitution of 1963, the office of probate judge for the
23 county of Huron shall be combined with the office of judge of the
24 seventy-third-b judicial district, and the county of Huron shall
25 have 2 judges of probate. The judgeship added under this
26 subdivision shall be filled by the incumbent judge of the seventy-
27 third-b judicial district, who shall become a probate judge for the

1 county of Huron for the balance of the term to which he or she was
2 elected.

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

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

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

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

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

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

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

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

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

1 to that office.

2 (6) THE COUNTY OF DELTA HAS THE FOLLOWING NUMBER OF JUDGES OF
3 PROBATE:

4 (A) UNTIL JANUARY 2, 2017, 1 JUDGE.

5 (B) BEGINNING JANUARY 2, 2017, UNDER SECTION 15 OF ARTICLE VI
6 OF THE STATE CONSTITUTION OF 1963, THE OFFICE OF PROBATE JUDGE FOR
7 THE COUNTY OF DELTA SHALL BE COMBINED WITH THE OFFICE OF JUDGE OF
8 THE NINETY-FOURTH JUDICIAL DISTRICT, AND THE COUNTY OF DELTA SHALL
9 HAVE 2 JUDGES OF PROBATE. THE JUDGESHIP ADDED UNDER THIS
10 SUBDIVISION SHALL BE FILLED BY THE INCUMBENT JUDGE OF THE NINETY-
11 FOURTH JUDICIAL DISTRICT, WHO SHALL BECOME A PROBATE JUDGE FOR THE
12 COUNTY OF DELTA FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE WAS
13 ELECTED.

14 (C) BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE
15 COUNTY OF DELTA HAS 1 JUDGE OF PROBATE:

16 (i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
17 PROBATE JUDGE IN DELTA COUNTY, UNLESS THE VACANCY OCCURS AFTER THE
18 VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION.

19 (ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
20 PROBATE JUDGE IN DELTA COUNTY NO LONGER SEEKS ELECTION OR
21 REELECTION TO THAT OFFICE.

22 (7) ~~(6)~~—The counties of Berrien, Genesee, Ingham, Macomb,
23 Monroe, Muskegon, Saginaw, St. Clair, and Washtenaw each ~~has~~**HAVE** 2
24 judges of probate.

25 (8) ~~(7)~~—The county of Kalamazoo has 3 judges of probate.

26 (9) ~~(8)~~—The county of Kent has 4 judges of probate.

27 (10) ~~(9)~~—The county of Oakland has 4 judges of probate.

1 (11) ~~(10)~~ The county of Wayne has 8 judges of probate.

2 (12) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COUNTY OF
3 INGHAM HAS 2 JUDGES OF PROBATE. BEGINNING ON THE EARLIER OF THE
4 FOLLOWING DATES, THE COUNTY OF INGHAM HAS 1 JUDGE OF PROBATE:

5 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
6 PROBATE JUDGE IN INGHAM COUNTY, UNLESS THE VACANCY OCCURS AFTER THE
7 VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION.

8 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
9 PROBATE JUDGE IN INGHAM COUNTY NO LONGER SEEKS ELECTION OR
10 REELECTION TO THAT OFFICE.

11 (13) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COUNTY OF
12 MONROE HAS 2 JUDGES OF PROBATE. BEGINNING ON THE EARLIER OF THE
13 FOLLOWING DATES, THE COUNTY OF MONROE HAS 1 JUDGE OF PROBATE:

14 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
15 PROBATE JUDGE IN MONROE COUNTY, UNLESS THE VACANCY OCCURS AFTER THE
16 VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION.

17 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
18 PROBATE JUDGE IN MONROE COUNTY NO LONGER SEEKS ELECTION OR
19 REELECTION TO THAT OFFICE.

20 (14) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COUNTY OF
21 SAGINAW HAS 2 JUDGES OF PROBATE. BEGINNING ON THE EARLIER OF THE
22 FOLLOWING DATES, THE COUNTY OF SAGINAW HAS 1 JUDGE OF PROBATE:

23 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
24 PROBATE JUDGE IN SAGINAW COUNTY, UNLESS THE VACANCY OCCURS AFTER
25 THE VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR GENERAL
26 ELECTION.

27 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT

1 PROBATE JUDGE IN SAGINAW COUNTY NO LONGER SEEKS ELECTION OR
2 REELECTION TO THAT OFFICE.

3 (15) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE COUNTY OF ST.
4 CLAIR HAS 2 JUDGES OF PROBATE. BEGINNING ON THE EARLIER OF THE
5 FOLLOWING DATES, THE COUNTY OF ST. CLAIR HAS 1 JUDGE OF PROBATE:

6 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
7 PROBATE JUDGE IN ST. CLAIR COUNTY, UNLESS THE VACANCY OCCURS AFTER
8 THE VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR GENERAL
9 ELECTION.

10 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
11 PROBATE JUDGE IN ST. CLAIR COUNTY NO LONGER SEEKS ELECTION OR
12 REELECTION TO THAT OFFICE.

13 (16) ~~(11)~~ 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. 808. (1) When each county board of commissioners of a
18 district described in section 807 agrees by resolution to form a
19 district, the question of creation of the district shall be
20 submitted to the electors of the affected counties at the next
21 primary, general, or special election that occurs more than 49 days
22 after the resolution is adopted. A special election for submission
23 of the question may be called by resolution adopted by each county
24 board of commissioners in the proposed district.

25 (2) The question relative to creating the district shall be in
26 substantially the following form:

27 "Shall this county join in a probate court district, which

1 will consist of the counties of _____ and _____ if
2 the majority of the electors voting on the question in each
3 affected county approve?

4 Yes ()

5 No ()".

6 (3) The votes on the question shall be counted, canvassed, and
7 returned in the manner provided by law. The results shall be
8 canvassed and certified by the board of state canvassers in the
9 same manner as provided for state propositions under chapter 31 of
10 the Michigan election law, 1954 PA 116, MCL 168.841 to 168.848.

11 (4) If approved by a majority of the electors voting on the
12 question in each of the counties affected, those counties shall
13 constitute the probate court district corresponding to the
14 appropriate district described in section 807, and that district
15 becomes effective as provided in section 809 or 810, whichever
16 section results in an earlier effective date.

17 (5) The election of the probate judge for a probate court
18 district created under this section shall be held as provided in
19 section 811.

20 (6) The state shall reimburse the affected counties for the
21 additional cost of submitting the question of the district to the
22 electors of the affected counties if the question is submitted to
23 the electors at a primary, general, or special election held after
24 January 2, 2007.

25 **(7) IF THE CREATION OF THE FIRST PROBATE COURT DISTRICT**
26 **DESCRIBED IN SECTION 807 IS NOT APPROVED BY A MAJORITY OF THE**
27 **ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES**

1 BEFORE THE NOVEMBER 2018 GENERAL ELECTION, THE QUESTION OF CREATION
2 OF THE FIRST PROBATE COURT DISTRICT SHALL BE SUBMITTED TO THE
3 ELECTORS OF THE AFFECTED COUNTIES AT THE NOVEMBER 2018 GENERAL
4 ELECTION WITHOUT THE NEED FOR A RESOLUTION UNDER SUBSECTION (1).

5 Sec. 841. (1) The probate court has jurisdiction and power as
6 follows:

7 (a) As conferred upon it under the estates and protected
8 individuals code, 1998 PA 386, MCL 700.1101 to 700.8206.

9 (b) As conferred upon it under the mental health code, 1974 PA
10 258, MCL 330.1001 to 330.2106.

11 (c) As conferred upon it under this act.

12 (d) As conferred upon it under another law or compact.

13 (2) In a judicial circuit **OR CIRCUITS** in which the probate
14 court is affected by a plan of concurrent jurisdiction adopted
15 under chapter 4, the probate court has concurrent jurisdiction with
16 the circuit court or the district court, or both, as provided in
17 the plan of concurrent jurisdiction, except as to the following
18 matters:

19 (a) The circuit court has exclusive jurisdiction over appeals
20 from the district court and from administrative agencies as
21 authorized by law.

22 (b) The circuit court has exclusive jurisdiction and power to
23 issue, hear, and determine prerogative and remedial writs
24 consistent with section 13 of article VI of the state constitution
25 of 1963.

26 Sec. 8115. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
27 fifth district consists of the county of Berrien, is a district of

1 the first class and has 5 judges.

2 (2) BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE FIFTH
3 DISTRICT HAS 4 JUDGES:

4 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
5 DISTRICT JUDGE IN THE FIFTH DISTRICT, UNLESS THE VACANCY OCCURS
6 AFTER THE VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR GENERAL
7 ELECTION.

8 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
9 DISTRICT JUDGE IN THE FIFTH DISTRICT NO LONGER SEEKS ELECTION OR
10 REELECTION TO THAT OFFICE.

11 Sec. 8121a. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2), THE
12 thirty-sixth district consists of the city of Detroit, is a
13 district of the third class, and has ~~the following number of~~
14 ~~judges~~ 30 JUDGES.

15 ~~— (a) Until 12 noon, January 1, 2015, 31 judges.~~

16 ~~— (b) Beginning 12 noon, January 1, 2015, 30 judges. The 1~~
17 ~~judgeship eliminated from this district at 12 noon, January 1, 2015~~
18 ~~shall be the judgeship of a judge who is not eligible to run for~~
19 ~~reelection in 2014 due to constitutional limitation on the~~
20 ~~effective date of the amendatory act that added this subdivision.~~

21 (2) BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE
22 THIRTY-SIXTH DISTRICT HAS 29 JUDGES:

23 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
24 DISTRICT JUDGE IN THE THIRTY-SIXTH JUDICIAL DISTRICT, UNLESS THAT
25 VACANCY OCCURS AFTER THE VACATING JUDGE HAS BEEN DEFEATED IN A
26 PRIMARY OR GENERAL ELECTION.

27 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT

**DISTRICT JUDGE IN THE THIRTY-SIXTH JUDICIAL DISTRICT NO LONGER
SEEKS ELECTION OR REELECTION TO THAT OFFICE.**

Sec. 8123. (1) The forty-third district consists of the cities of Madison Heights, Ferndale, and Hazel Park, is a district of the third class, and has 3 judges.

(2) ~~Except as otherwise provided in this subsection, the~~ **THE** forty-fourth district consists of the ~~city~~ **CITIES** of Royal Oak **AND** **BERKLEY**, is a district of the third class, and has 2 judges.

~~Beginning January 2, 2015, the forty fourth district consists of the cities of Royal Oak and Berkley and has the following number of judges:~~

~~—— (a) Until the dates determined under subdivisions (b) and (c), 3 judges.~~

~~—— (b) Beginning January 3, 2015, the forty fourth district has 2 judges beginning on the earlier of the following dates:~~

~~—— (i) The date on which a vacancy occurs in the office of district judge in the forty fourth district, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.~~

~~—— (ii) The beginning date of the term for which an incumbent district judge in the forty fourth district no longer seeks election or reelection to that office.~~

~~—— (c) Following the reduction in the number of judgeships from 3 to 2 under subdivision (b), the forty fourth district has 1 judge beginning on the earlier of the following dates:~~

~~—— (i) The date on which a vacancy occurs in the office of district judge in the forty fourth district, unless the vacancy~~

~~occurs after the vacating judge has been defeated in a primary or general election.~~

~~—— (ii) The beginning date of the term for which an incumbent district judge in the forty-fourth district no longer seeks election or reelection to that office.~~

(3) Except as otherwise provided in this subsection, the forty-fifth-a district is created, consists of the city of Berkley, is a district of the third class, and has 1 judge. The person serving as judge of the forty-fifth-a district on June 30, 2012, or his or her successor, shall serve as judge of the forty-fifth-a district until that district is abolished under this subsection. For purposes of the November 2014 general election only, the term of the person elected district judge in the forty-fifth-a district is 8 years. Beginning January 2, 2015, the forty-fifth-a district is abolished and the judge of the forty-fifth-a district shall become a judge of the forty-fourth district for the balance of the term to which he or she was elected or appointed. Sections 8175 and 8176 do not apply to the reorganization of the forty-fourth, forty-fifth, forty-fifth-a, and forty-fifth-b districts. Any physical reorganization required to accomplish the reorganization of district boundaries under this subsection and subsection (2) shall be completed no later than January 1, 2021.

(4) Except as otherwise provided in this subsection, the forty-fifth-b district consists of the cities of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in the county of Oakland, is a district of the third class, and has 2 judges. Beginning July 1, 2012, the forty-fifth district is

1 created. The forty-fifth district consists of the cities of
2 Huntington Woods, Oak Park, and Pleasant Ridge and the township of
3 Royal Oak in the county of Oakland, is a district of the third
4 class, and has 2 judges. Beginning July 1, 2012, the forty-fifth-b
5 district is abolished and the judges of the forty-fifth-b district
6 shall become judges of the forty-fifth district for the balance of
7 the term to which they were elected or appointed. For purposes of
8 the November 2014 general election only, the term of the candidate
9 for district judge in the forty-fifth judicial district who
10 receives the greatest number of votes is 8 years and the term of
11 the candidate for district judge in the forty-fifth judicial
12 district who receives the second greatest number of votes is 6
13 years.

14 (5) The forty-sixth district consists of the cities of
15 Southfield and Lathrup Village and the township of Southfield in
16 the county of Oakland, is a district of the third class, and has 3
17 judges.

18 (6) The forty-seventh district consists of the cities of
19 Farmington and Farmington Hills, is a district of the third class,
20 and has 2 judges.

21 (7) The forty-eighth district consists of the cities of
22 Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and
23 Orchard Lake Village and the townships of Bloomfield and West
24 Bloomfield in the county of Oakland, is a district of the third
25 class, and has the following number of judges:

26 (a) Until the date determined under subdivision (b), the
27 forty-eighth district has 3 judges.

1 (b) The forty-eighth district has 2 judges beginning on the
2 earlier of the following dates:

3 (i) The date on which a vacancy occurs in the office of
4 district judge in this district, unless the vacancy occurs after
5 the vacating judge has been defeated in a primary or general
6 election.

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

10 (8) The fiftieth district consists of the city of Pontiac, is
11 a district of the third class, and has the following number of
12 judges:

13 (a) Until the date determined under subdivision (b), 4 judges.

14 (b) The fiftieth district has 3 judges beginning on the
15 earlier of the following dates:

16 (i) The date on which a vacancy occurs in the office of
17 district judge in this district, unless the vacancy occurs after
18 the vacating judge has been defeated in a primary or general
19 election.

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

23 (9) The fifty-first district consists of the township of
24 Waterford in the county of Oakland, is a district of the third
25 class, and has 2 judges.

26 (10) The fifty-second district consists of the county of
27 Oakland except the cities of Madison Heights, Ferndale, Hazel Park,

1 Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge,
2 Southfield, Lathrup Village, Farmington, Farmington Hills,
3 Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village,
4 Birmingham, Bloomfield Hills, and Pontiac and the townships of
5 Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford,
6 is a district of the second class, and, **EXCEPT AS PROVIDED IN**
7 **SUBSECTION (11), HAS 10 JUDGES AND** is divided into the following
8 election divisions:

9 (a) The first division consists of the cities of Novi, South
10 Lyon, Wixom, and Walled Lake and the townships of Milford,
11 Highland, Commerce, Lyon, and Novi and has 3 judges.

12 (b) The second division consists of the city of the village of
13 Clarkston and the townships of Springfield, Independence, Holly,
14 Groveland, Brandon, Rose, and White Lake and has 2 judges.

15 (c) The third division consists of the cities of Rochester,
16 Auburn Hills, Rochester Hills, and Lake Angelus and the townships
17 of Oxford, Addison, Orion, and Oakland and has 3 judges.

18 (d) The fourth division consists of the cities of Troy and
19 Clawson and has 2 judges.

20 (11) **BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE**
21 **FIFTY-SECOND DISTRICT REMAINS DIVIDED IN THE ELECTION DIVISIONS**
22 **REFLECTED IN SUBSECTION (10), BUT HAS 9 JUDGES:**

23 (A) **THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF**
24 **DISTRICT JUDGE IN THE FIRST OR THIRD DIVISION OF THE FIFTY-SECOND**
25 **DISTRICT, UNLESS THE VACANCY OCCURS AFTER THE VACATING JUDGE HAS**
26 **BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION.**

27 (B) **THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT**

1 DISTRICT JUDGE IN THE FIRST OR THIRD DIVISION OF THE FIFTY-SECOND
2 DISTRICT NO LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE.

3 Sec. 8159. The ninety-fourth district consists of the county
4 of Delta, is a district of the first class and has 1 judge.

5 BEGINNING JANUARY 2, 2017, THE NINETY-FOURTH DISTRICT CONSISTS OF
6 THE COUNTY OF DELTA AND IS A DISTRICT OF THE FIRST CLASS. UNDER
7 SECTION 810A, A PROBATE JUDGE FOR THE COUNTY OF DELTA SHALL SERVE
8 AS JUDGE OF THE NINETY-FOURTH DISTRICT.

9 Sec. 8162. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2), THE
10 ninety-seventh district consists of the counties of Houghton,
11 Keweenaw and Baraga, is a district of the first class and has 1
12 judge.

13 (2) IF THE CREATION OF THE FIRST PROBATE COURT DISTRICT
14 DESCRIBED IN SECTION 807 IS NOT APPROVED BY A MAJORITY OF THE
15 ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES AT
16 OR BEFORE THE NOVEMBER 2018 GENERAL ELECTION UNDER SECTION 808, THE
17 FOLLOWING PROVISIONS APPLY BEGINNING ON THE DATE ON WHICH A VACANCY
18 OCCURS IN THE OFFICE OF DISTRICT JUDGE IN THE NINETY-SEVENTH
19 DISTRICT UNLESS THE VACANCY OCCURS AFTER THE VACATING JUDGE HAS
20 BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION, OR THE BEGINNING
21 DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN THE
22 NINETY-SEVENTH DISTRICT NO LONGER SEEKS ELECTION OR REELECTION TO
23 THAT OFFICE, WHICHEVER IS EARLIER:

24 (A) THE NINETY-SEVENTH DISTRICT CONSISTS OF THE COUNTIES OF
25 HOUGHTON, KEWEENAW, AND BARAGA AND IS A DISTRICT OF THE FIRST
26 CLASS.

27 (B) UNDER SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF

1 BARAGA SHALL SERVE AS JUDGE OF THE NINETY-SEVENTH DISTRICT WITHIN
2 BARAGA COUNTY.

3 (C) UNDER SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF
4 HOUGHTON SHALL SERVE AS JUDGE OF THE NINETY-SEVENTH DISTRICT WITHIN
5 THE COUNTY OF HOUGHTON.

6 (D) UNDER SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF
7 KEWEENAW SHALL SERVE AS JUDGE OF THE NINETY-SEVENTH DISTRICT WITHIN
8 THE COUNTY OF KEWEENAW.

9 Sec. 8304. In a district court district in which the district
10 court is affected by a plan of concurrent jurisdiction adopted
11 under chapter 4, the district court has concurrent jurisdiction
12 with the circuit court **OR COURTS** or the probate court **OR COURTS**, or
13 both, as provided in the plan of concurrent jurisdiction, except as
14 to the following matters:

15 (a) The circuit court has exclusive jurisdiction over appeals
16 from the district court and from administrative agencies as
17 authorized by statute.

18 (b) The circuit court has exclusive jurisdiction and power to
19 issue, hear, and determine prerogative and remedial writs
20 consistent with section 13 of article VI of the state constitution
21 of 1963. **THIS SUBSECTION DOES NOT LIMIT THE DISTRICT COURT'S**
22 **AUTHORITY TO ISSUE WRITS SPECIFICALLY AUTHORIZED IN STATUTE OR**
23 **COURT RULE.**