

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5859**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 803, 807, and 808 (MCL 600.803, 600.807, and
600.808), section 803 as amended by 2012 PA 36 and sections 807 and
808 as amended by 2004 PA 492.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 803. (1) Except as otherwise provided in this section,
2 each county that is not part of a probate court district created by
3 law has 1 judge of probate.
- 4 (2) ~~Each~~ **Except as otherwise provided in this section, each**
5 probate court district created by law has 1 judge of probate.
- 6 (3) ~~The~~ **Except as otherwise provided in subsection (5), the**
7 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.~~

(4) Except as otherwise provided in subsection (5), the county of Huron has 2 judges of probate.

(5) If the boards of commissioners and the electors of the counties of Huron and Sanilac approve the creation of the



1 nineteenth probate court district under sections 807 and 808, the
 2 probate courts in the counties of Huron and Sanilac are abolished
 3 and the nineteenth probate court district is created, effective 12
 4 noon on January 1, 2021, and has 3 probate judges. Sections 809 and
 5 810 do not apply to the nineteenth district. The nineteenth
 6 district is comprised of the following election divisions:

7 (a) The first division consists of the county of Sanilac and
 8 has 1 probate judge. This judgeship shall initially be filled by
 9 the incumbent probate judge for the county of Sanilac for the
 10 balance of the term to which he or she was elected or appointed.

11 (b) The second division consists of the county of Huron and
 12 has 1 probate judge. This judgeship shall initially be filled by
 13 the incumbent probate judge for the county of Huron with a term
 14 ending January 1, 2027 for the balance of that term.

15 (c) The third division consists of the counties of Huron and
 16 Sanilac and has 1 probate judge. This judgeship shall initially be
 17 filled by the incumbent probate judge for the county of Huron with
 18 a term ending January 1, 2025 for the balance of that term.

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

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

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



1 ~~was elected.~~

2 ~~(e) Beginning the earlier of the following dates, the county~~
 3 ~~of Chippewa has 1 judge of probate:~~

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

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

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

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

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

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

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

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

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

24 (a) The first district consists of the counties of Houghton
 25 and Keweenaw.

26 (b) The fifth district consists of the counties of Schoolcraft
 27 and Alger.

28 (c) The sixth district consists of the counties of Mackinac
 29 and Luce.



(d) The seventh district consists of the counties of Emmet and Charlevoix.

(e) The seventeenth district consists of the counties of Clare and Gladwin.

(f) The eighteenth district consists of the counties of Mecosta and Osceola.

(g) The nineteenth district consists of the counties of Huron and Sanilac.

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

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

"Shall this county join in a probate court district, which will consist of the counties of _____ and _____ if the majority of the electors voting on the question in each affected county approve?

Yes ()

No ()".

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



1 (4) If approved by a majority of the electors voting on the
2 question in each of the counties affected, those counties shall
3 constitute the probate court district corresponding to the
4 appropriate district described in section 807, and that district
5 becomes effective as provided in section **803(5)**, 809, or 810,
6 whichever section results in an earlier effective date.

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

10 (6) The state shall reimburse the affected counties for the
11 additional cost of submitting the question of the district to the
12 electors of the affected counties if the question is submitted to
13 the electors at a primary, general, or special election held after
14 January 2, 2007.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

