

# SENATE BILL No. 947

October 28, 2009, Introduced by Senator CROPSEY and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 301, 302, 411, 504, 517, 526, 542, 547, 803, 807, 808, 809, 810, 8117, 8123, 8144, 8146, 8150, 8153, 8160, 8162, 8163, and 8176 (MCL 600.301, 600.302, 600.411, 600.504, 600.517, 600.526, 600.542, 600.547, 600.803, 600.807, 600.808, 600.809, 600.810, 600.8117, 600.8123, 600.8144, 600.8146, 600.8150, 600.8153, 600.8160, 600.8162, 600.8163, and 600.8176), section 301 as amended by 1993 PA 190, section 302 as amended by 2001 PA 117, section 411 as added and section 810 as amended by 2005 PA 326, sections 504 and 803 as amended by 2002 PA 715, section 517 as amended by 2006 PA 101, sections 542 and 547 as amended by 1984 PA 95, sections 807 and 808 as amended by 2004 PA 492, section 8117 as amended by 2005 PA 237, section 8123 as amended by 2000 PA 448, and sections 8144, 8146, and 8176 as amended by 2002 PA 92, and by

adding sections 303e and 810b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 301. ~~The~~**EXCEPT AS PROVIDED IN SECTION 303E, THE** court of  
2 appeals consists of 28 judges and is a court of record.

3           Sec. 302. The state is divided into 4 judicial districts for  
4 the election of judges of the court of appeals. ~~Each~~**EXCEPT AS**  
5 **PROVIDED IN SECTION 303E, EACH** district is entitled to 7 judges.  
6 The districts are constituted and numbered as follows:

7           (a) District 1 consists of the counties of Calhoun, Hillsdale,  
8 Lenawee, Monroe, and Wayne.

9           (b) District 2 consists of the counties of Genesee, Macomb,  
10 Oakland, and Shiawassee.

11           (c) District 3 consists of the counties of Allegan, Barry,  
12 Berrien, Branch, Cass, Eaton, Ionia, Jackson, Kalamazoo, Kent,  
13 Muskegon, Newaygo, Ottawa, St. Joseph, Van Buren, and Washtenaw.

14           (d) District 4 consists of the counties of Alcona, Alger,  
15 Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan,  
16 Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet,  
17 Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham,  
18 Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,  
19 Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta,  
20 Menominee, Midland, Missaukee, Montcalm, Montmorency, Oceana,  
21 Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle,  
22 Roscommon, Saginaw, Sanilac, Schoolcraft, St. Clair, Tuscola, and  
23 Wexford.

24           **SEC. 303E. (1) BEGINNING ON THE EFFECTIVE DATE OF THIS**  
25 **SECTION, THE COURT OF APPEALS HAS 24 JUDGES, AND EACH JUDICIAL**

1 DISTRICT FOR THE ELECTION OF JUDGES OF THE COURT OF APPEALS IS  
2 ENTITLED TO 6 JUDGES.

3 (2) TO EFFECTUATE THE TRANSITION FROM 7 JUDGES TO 6 JUDGES IN  
4 EACH DISTRICT, EACH DISTRICT HAS 7 JUDGES UNTIL THE EARLIER OF THE  
5 FOLLOWING DATES, AT WHICH TIME THAT DISTRICT SHALL HAVE 6 JUDGES:

6 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF JUDGE  
7 OF THE COURT OF APPEALS IN THAT DISTRICT.

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

11 Sec. 411. A plan of concurrent jurisdiction may provide that a  
12 probate judge of a county described in section 810a OR 810B has the  
13 jurisdiction, powers, and duties of a district judge within that  
14 county, including jurisdiction over small claims and civil  
15 infraction actions and the power of appointment to a public office  
16 delegated by constitution or statute to the district judge.

17 Sec. 504. ~~(1)~~The third judicial circuit consists of the  
18 county of Wayne and has the following number of judges:

19 (a) Until 12 noon, January 1, 2003, ~~64~~ 2013, 61 judges.

20 (b) Beginning 12 noon, January 1, 2003, ~~63~~ 2013, 59 judges. ~~+~~  
21 ~~however, if, after 12 noon, January 1, 2003, a vacancy occurs in a~~  
22 ~~judgeship held by an incumbent judge of this circuit who would be~~  
23 ~~ineligible to seek reelection to that office in 2004, that~~  
24 ~~judgeship is eliminated unless the total number of judgeships in~~  
25 ~~this circuit has been reduced to 61 before that vacancy occurred.~~

26 ~~—— (c) Beginning 12 noon, January 1, 2005, 61 judges.~~

27 Sec. 517. The sixteenth judicial circuit consists of the

1 county of Macomb and has ~~12-13~~ judges. ~~Subject to section 550, this~~  
2 ~~THIS~~ circuit may have ~~1-2~~ additional judge ~~effective January 1,~~  
3 ~~2007.~~ **JUDGES, AS FOLLOWS:**

4 (A) SUBJECT TO SECTION 550, THIS CIRCUIT MAY HAVE 1 ADDITIONAL  
5 JUDGE EFFECTIVE JANUARY 1, 2011.

6 (B) SUBJECT TO SECTION 550, AND ALSO SUBJECT TO THE LOCAL  
7 APPROVAL REQUIREMENT IN SECTION 803(4)(B), THIS SECTION MAY HAVE A  
8 SECOND ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 2013.

9 Sec. 526. (1) The twenty-fifth judicial circuit consists of  
10 the county of Marquette and, **EXCEPT AS PROVIDED IN SUBSECTION (2),**  
11 has 2 judges.

12 (2) THIS CIRCUIT SHALL HAVE 1 JUDGE BEGINNING ON THE EARLIER  
13 OF THE FOLLOWING DATES:

14 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF  
15 CIRCUIT JUDGE IN THIS CIRCUIT.

16 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT  
17 CIRCUIT JUDGE IN THIS CIRCUIT NO LONGER SEEKS ELECTION OR  
18 REELECTION TO THAT OFFICE.

19 Sec. 542. (1) The forty-first judicial circuit consists of the  
20 counties of Dickinson, Iron, and Menominee and, **EXCEPT AS PROVIDED**  
21 **IN SUBSECTIONS (2) AND (3),** has ~~1 judge-2~~ **JUDGES.** ~~Subject to~~  
22 ~~section 550, this circuit may have 1 additional judge effective~~  
23 ~~January 1, 1985.~~

24 (2) UNLESS SUBSECTION (3) APPLIES, THIS JUDICIAL CIRCUIT SHALL  
25 HAVE 1 JUDGE BEGINNING ON THE EARLIER OF THE FOLLOWING DATES:

26 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF  
27 CIRCUIT JUDGE IN THIS JUDICIAL CIRCUIT.

1           (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT  
2           CIRCUIT JUDGE IN THIS JUDICIAL CIRCUIT NO LONGER SEEKS ELECTION OR  
3           REELECTION TO THAT OFFICE.

4           (3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF  
5           THE FOURTH PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF THE  
6           ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES  
7           NOT LATER THAN NOVEMBER 2, 2010, PURSUANT TO SECTION 808.

8           Sec. 547. (1) The forty-sixth judicial circuit consists of the  
9           counties of Kalkaska, Crawford, and Otsego and, **EXCEPT AS PROVIDED**  
10          **IN SUBSECTION (2), has 1 judge 2 JUDGES.** ~~Subject to section 550,~~  
11          ~~this circuit may have 1 additional judge effective January 1, 1985.~~

12          (2) THIS CIRCUIT SHALL HAVE 1 JUDGE BEGINNING ON THE EARLIER  
13          OF THE FOLLOWING DATES:

14          (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF  
15          CIRCUIT JUDGE IN THIS CIRCUIT.

16          (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT  
17          CIRCUIT JUDGE IN THIS CIRCUIT NO LONGER SEEKS ELECTION OR  
18          REELECTION TO THAT OFFICE.

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

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

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

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

9 (4) ~~(5) Until 12 noon, January 1, 2005, the county of Macomb~~  
 10 ~~shall have 3 judges of probate; however, if the incumbent probate~~  
 11 ~~judge in Macomb county whose term of office as probate judge~~  
 12 ~~expires on January 1, 2005 is elected in 2002 to the office of~~  
 13 ~~ircuit judge in the sixteenth judicial circuit for a term~~  
 14 ~~beginning January 1, 2003, that probate judgeship is eliminated~~  
 15 ~~effective 12 noon, January 1, 2005. Beginning 12 noon, January 1,~~  
 16 ~~2005, the~~ **THE** county of Macomb shall have 2 **HAS THE FOLLOWING**  
 17 **NUMBER OF** judges of probate: -

18 (A) **UNLESS SUBDIVISION (B) TAKES EFFECT, 2 JUDGES OF PROBATE.**

19 (B) **IF THE COUNTY OF MACOMB APPROVES THE ADDITION OF THE**  
 20 **SECOND ADDITIONAL CIRCUIT JUDGESHIP AUTHORIZED BY SECTION 517(B) IN**  
 21 **THE MANNER PROVIDED BY LAW, THE COUNTY OF MACOMB SHALL HAVE 1 JUDGE**  
 22 **OF PROBATE EFFECTIVE 12 NOON JANUARY 1, 2013.**

23 (5) ~~(6)~~ The county of Kalamazoo shall have **HAS** 3 judges of  
 24 probate.

25 (6) ~~(7)~~ The county of Kent shall have **HAS** 4 judges of probate.

26 (7) ~~(8)~~ The county of Oakland shall have **HAS** 4 judges of  
 27 probate.

1           (8) ~~(9)~~ The county of Wayne shall have the following number of  
2 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           (9) ~~(10)~~ When 1 or more new judges of probate are authorized  
14 in a county pursuant to this section, the new judgeship or  
15 judgeships shall appear on the ballot separate and apart from other  
16 judicial offices of the same court in the primary and general  
17 election.

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

22           (a) The first district consists of the counties of Houghton  
23 and Keweenaw.

24           **(B) THE SECOND DISTRICT CONSISTS OF THE COUNTIES OF ONTONAGON**  
25 **AND GOGEBIC.**

26           **(C) THE FOURTH DISTRICT CONSISTS OF THE COUNTIES OF DICKINSON**  
27 **AND MENOMINEE.**

1           (D) ~~(b)~~—The fifth district consists of the counties of  
2 Schoolcraft and Alger.

3           (E) ~~(e)~~—The sixth district consists of the counties of  
4 Mackinac and Luce.

5           (F) ~~(d)~~—The seventh district consists of the counties of Emmet  
6 and Charlevoix.

7           (G) **THE NINTH DISTRICT CONSISTS OF THE COUNTIES OF ALPENA AND**  
8 **MONTMORENCY.**

9           (H) **THE TWELFTH DISTRICT CONSISTS OF THE COUNTIES OF MANISTEE**  
10 **AND BENZIE.**

11           (I) **THE FIFTEENTH DISTRICT CONSISTS OF THE COUNTIES OF ALCONA**  
12 **AND OSCODA.**

13           (J) ~~(e)~~—The seventeenth district consists of the counties of  
14 Clare and Gladwin.

15           (K) ~~(f)~~—The eighteenth district consists of the counties of  
16 Mecosta and Osceola.

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 OF CREATION OF THE FIRST, SECOND, FOURTH,**  
26 **NINTH, TWELFTH, AND FIFTEENTH DISTRICTS DESCRIBED IN SECTION 807**  
27 **SHALL BE SUBMITTED TO THE ELECTORS OF THE AFFECTED COUNTIES AT THE**



1 **NOVEMBER 2, 2010 GENERAL ELECTION WITHOUT THE NEED FOR A RESOLUTION**  
 2 **UNDER SUBSECTION (1).**

3 (3) ~~(2)~~—The question relative to creating the district shall  
 4 be in substantially the following form:

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

9 Yes ( )

10 No ( )".

11 (4) ~~(3)~~—The votes on the question shall be counted, canvassed,  
 12 and returned in the manner provided by law. The results shall be  
 13 canvassed and certified by the board of state canvassers in the  
 14 same manner as provided for state propositions under chapter ~~31~~  
 15 **XXXI** of the Michigan election law, 1954 PA 116, MCL 168.841 to  
 16 168.848.

17 (5) ~~(4)~~—If approved by a majority of the electors voting on  
 18 the question in each of the counties affected, those counties shall  
 19 constitute the probate court district corresponding to the  
 20 appropriate district described in section 807, and that district  
 21 becomes effective as provided in section 809 or 810, whichever  
 22 section results in an earlier effective date.

23 (6) ~~(5)~~—The election of the probate judge for a probate court  
 24 district created under this section shall be held as provided in  
 25 section 811.

26 (7) ~~(6)~~—The state shall reimburse the affected counties for  
 27 the additional cost of submitting the question of the district to

1 the electors of the affected counties if the question is submitted  
2 to the electors at a primary, general, or special election held  
3 after January 2, 2007.

4 Sec. 809. (1) Except when the vacancy or vacancies occur after  
5 the date established by ~~Act No. 116 of the Public Acts of 1954, as~~  
6 ~~amended, being sections 168.1 to 168.992 of the Michigan Compiled~~  
7 ~~Laws~~ **THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992,**  
8 for nonincumbent candidates to file for the office of probate judge  
9 for a full 6-year term or for the unexpired portion of a term,  
10 whichever is applicable, a probate court district created under  
11 section 808 shall become effective upon the existence of a vacancy  
12 in the office of probate judge in all but 1 of the counties  
13 comprising that district.

14 (2) When a probate court district becomes effective pursuant  
15 to subsection (1), the remaining incumbent probate judge in the  
16 district shall serve as the probate judge of the district until the  
17 term for which he was elected or appointed expires. Thereafter the  
18 1 probate judge for the district shall be elected as provided in  
19 section ~~808(5)~~ **811**.

20 Sec. 810. Except when section 809 results in an earlier  
21 effective date, a probate court district created under section 808  
22 becomes effective upon the beginning date of the term for which an  
23 incumbent probate judge in any county in the district no longer  
24 seeks reelection to that office that occurs not less than 220 days  
25 after the vote on the question. At the general election immediately  
26 preceding that date, 1 probate judge for the district shall be  
27 elected as provided in section ~~808(5)~~ **811**.

1           SEC. 810B. (1) BEGINNING ON THE DATE PROVIDED IN SUBSECTION  
2           (2), THE PROBATE JUDGES IN EACH OF THE COUNTIES OF MASON, IOSCO,  
3           MANISTEE, ALPENA, HOUGHTON, KEWEENAW, AND GOGEBIC HAVE THE  
4           JURISDICTION, POWERS, DUTIES, AND TITLE OF A DISTRICT JUDGE WITHIN  
5           THAT COUNTY, IN ADDITION TO THE JURISDICTION, POWERS, DUTIES, AND  
6           TITLE OF A PROBATE JUDGE.

7           (2) SUBSECTION (1) TAKES EFFECT FOR EACH COUNTY NAMED IN  
8           SUBSECTION (1) ON THE DATE THE DISTRICT JUDGESHIP IN THAT COUNTY IS  
9           ELIMINATED BY LAW.

10           Sec. 8117. (1) The eighth district consists of the county of  
11           Kalamazoo, is a district of the first class, and, **EXCEPT AS**  
12           **PROVIDED IN SUBSECTION (2)**, has 7 judges.

13           (2) THIS DISTRICT SHALL HAVE 6 JUDGES BEGINNING ON THE EARLIER  
14           OF THE FOLLOWING DATES:

15           (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF  
16           DISTRICT JUDGE IN THIS DISTRICT.

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

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

23           (2) The forty-fourth district consists of the city of Royal  
24           Oak, is a district of the third class, and has 2 judges.

25           (3) The forty-fifth-a district consists of the city of  
26           Berkley, is a district of the third class, and has 1 judge.

27           (4) The forty-fifth-b district consists of the cities of

1 Huntington Woods, Oak Park, and Pleasant Ridge and the township of  
2 Royal Oak in the county of Oakland, is a district of the third  
3 class, and has 2 judges.

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

8 (6) The forty-seventh district consists of the cities of  
9 Farmington and Farmington Hills, is a district of the third class,  
10 and has 2 judges. ~~Subject to section 8175, this district may have 1~~  
11 ~~additional judge subject to review and recommendation by the state~~  
12 ~~court administrator to the legislature and subsequent legislation,~~  
13 ~~if and when a district court judgeship is eliminated within the~~  
14 ~~state of Michigan.~~

15 (7) The forty-eighth district consists of the cities of  
16 Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and  
17 Orchard Lake Village and the townships of Bloomfield and West  
18 Bloomfield in the county of Oakland, is a district of the third  
19 class, and has 3 judges.

20 (8) The fiftieth district consists of the city of Pontiac, is  
21 a district of the third class, and has 4 **THE FOLLOWING NUMBER OF**  
22 judges: -

23 **(A) UNTIL SUBDIVISION (B) TAKES EFFECT, 4 JUDGES.**

24 **(B) THREE JUDGES, BEGINNING ON THE EARLIER OF THE FOLLOWING**  
25 **DATES:**

26 **(i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF**  
27 **DISTRICT JUDGE IN THIS DISTRICT.**

1           (ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT  
2 DISTRICT JUDGE IN THIS DISTRICT NO LONGER SEEKS ELECTION OR  
3 REELECTION TO THAT OFFICE.

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

7           (10) The fifty-second district consists of the county of  
8 Oakland except the cities of Madison Heights, Ferndale, Hazel Park,  
9 Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge,  
10 Southfield, Lathrup Village, Farmington, Farmington Hills,  
11 Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village,  
12 Birmingham, Bloomfield Hills, and Pontiac and the townships of  
13 Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford,  
14 is a district of the second class, and is divided into the  
15 following election divisions:

16           (a) The first division consists of the cities of Novi, South  
17 Lyon, Wixom, and Walled Lake and the townships of Milford,  
18 Highland, Commerce, Lyon, and Novi, **AND HAS 3 JUDGES.** ~~Until January~~  
19 ~~1, 2003, the first division also includes the townships of Rose and~~  
20 ~~White Lake. The first division has 3 judges. Subject to section~~  
21 ~~8175, this division may have 1 additional judge effective January~~  
22 ~~1, 2003. If the Oakland county board of commissioners approves that~~  
23 ~~additional judgeship, the judgeship in the first division that is~~  
24 ~~filled by the district judge of the first division whose term~~  
25 ~~expires January 1, 2005 is transferred to the second division,~~  
26 ~~effective January 1, 2003.~~

27           (b) The second division consists of the city of the village of

1 Clarkston and the townships of Springfield, Independence, Holly,  
2 Groveland, and Brandon, ~~. Beginning January 1, 2003, the second~~  
3 ~~division also includes the townships of Rose, and White Lake, AND~~  
4 **HAS 2 JUDGES.** ~~The second division has 1 judge; however, effective~~  
5 ~~January 1, 2003, this division shall have 2 judges if a judgeship~~  
6 ~~is transferred to this division from the first division pursuant to~~  
7 ~~subdivision (a).~~

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

11 (d) The fourth division consists of the cities of Troy and  
12 Clawson and has 3 judges.

13 Sec. 8144. (1) ~~The seventy ninth district consists of the~~  
14 ~~counties of Oceana and Mason, is a district of the first class, and~~  
15 ~~has 1 judge. Beginning April 1, 2003, UNTIL SUBSECTION (2) TAKES~~  
16 **EFFECT,** the seventy-ninth district consists of the counties of Lake  
17 and Mason, is a district of the first class, and has 1 judge.

18 (2) **BEGINNING ON THE DATE ON WHICH A VACANCY OCCURS IN THE**  
19 **OFFICE OF DISTRICT JUDGE IN THIS DISTRICT, OR THE BEGINNING DATE OF**  
20 **THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN THIS DISTRICT NO**  
21 **LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE, WHICHEVER IS**  
22 **EARLIER, BOTH OF THE FOLLOWING APPLY:**

23 (A) **THE SEVENTY-NINTH-A DISTRICT IS CREATED AND CONSISTS OF**  
24 **THE COUNTY OF LAKE, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT**  
25 **TO SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF LAKE SHALL**  
26 **SERVE AS JUDGE OF THE SEVENTY-NINTH-A DISTRICT.**

27 (B) **THE SEVENTY-NINTH-B DISTRICT IS CREATED AND CONSISTS OF**

1 THE COUNTY OF MASON, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT  
2 TO SECTION 810B, THE PROBATE JUDGE FOR THE COUNTY OF MASON SHALL  
3 SERVE AS JUDGE OF THE SEVENTY-NINTH-B DISTRICT.

4 Sec. 8146. (1) ~~The eighty first district consists of the~~  
5 ~~counties of Iosco and Arenac, is a district of the first class, and~~  
6 ~~has 1 judge. Beginning April 1, 2003, the~~ UNTIL SUBSECTION (2)  
7 **TAKES EFFECT, THE** eighty-first district consists of the counties of  
8 Alcona, Arenac, Iosco, and Oscoda, is a district of the first  
9 class, and has 1 judge.

10 (2) BEGINNING ON THE DATE ON WHICH A VACANCY OCCURS IN THE  
11 OFFICE OF DISTRICT JUDGE IN THIS DISTRICT, OR THE BEGINNING DATE OF  
12 THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN THIS DISTRICT NO  
13 LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE, WHICHEVER IS  
14 EARLIER, ALL OF THE FOLLOWING APPLY:

15 (A) THE EIGHTY-FIRST-A DISTRICT IS CREATED AND CONSISTS OF THE  
16 COUNTY OF ARENAC, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO  
17 SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF ARENAC SHALL  
18 SERVE AS JUDGE OF THE EIGHTY-FIRST-A DISTRICT.

19 (B) THE EIGHTY-FIRST-B DISTRICT IS CREATED AND CONSISTS OF THE  
20 COUNTY OF IOSCO, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO  
21 SECTION 810B, THE PROBATE JUDGE FOR THE COUNTY OF IOSCO SHALL SERVE  
22 AS JUDGE OF THE EIGHTY-FIRST-B DISTRICT.

23 (C) THE EIGHTY-FIRST-C DISTRICT IS CREATED AND CONSISTS OF THE  
24 COUNTY OF ALCONA, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO  
25 SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF ALCONA SHALL  
26 SERVE AS JUDGE OF THE EIGHTY-FIRST-C DISTRICT.

27 (D) THE EIGHTY-FIRST-D DISTRICT IS CREATED AND CONSISTS OF THE

1 COUNTY OF OSCODA, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO  
2 SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF OSCODA SHALL  
3 SERVE AS JUDGE OF THE EIGHTY-FIRST-D DISTRICT.

4 Sec. 8150. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND  
5 (3), THE eighty-fifth district consists of the counties of Manistee  
6 and Benzie, is a district of the first class and has 1 judge.

7 (2) BEGINNING ON THE DATE ON WHICH A VACANCY OCCURS IN THE  
8 OFFICE OF DISTRICT JUDGE IN THIS DISTRICT, OR THE BEGINNING DATE OF  
9 THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN THIS DISTRICT NO  
10 LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE, WHICHEVER IS  
11 EARLIER, BOTH OF THE FOLLOWING APPLY:

12 (A) THE EIGHTY-FIFTH-A DISTRICT IS CREATED AND CONSISTS OF THE  
13 COUNTY OF MANISTEE, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT  
14 TO SECTION 810B, THE PROBATE JUDGE FOR THE COUNTY OF MANISTEE SHALL  
15 SERVE AS JUDGE OF THE EIGHTY-FIFTH-A DISTRICT.

16 (B) THE EIGHTY-FIFTH-B DISTRICT IS CREATED AND CONSISTS OF THE  
17 COUNTY OF BENZIE, AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO  
18 SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF BENZIE SHALL  
19 SERVE AS JUDGE OF THE EIGHTY-FIFTH-B DISTRICT.

20 (3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF  
21 THE TWELFTH PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF THE  
22 ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES  
23 NOT LATER THAN NOVEMBER 2, 2010, PURSUANT TO SECTION 808.

24 Sec. 8153. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND  
25 (3), THE eighty-eighth district consists of the counties of Alpena  
26 and Montmorency, is a district of the first class and has 1 judge.

27 (2) UNLESS SUBSECTION (3) APPLIES, THE FOLLOWING PROVISIONS



1 APPLY TO THIS DISTRICT BEGINNING ON 12 NOON, JANUARY 1, 2015, OR  
2 THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE  
3 IN THIS DISTRICT, WHICHEVER IS EARLIER:

4 (A) THE EIGHTY-EIGHTH-A DISTRICT IS CREATED AND CONSISTS OF  
5 THE COUNTY OF ALPENA, AND IS A DISTRICT OF THE FIRST CLASS.  
6 PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR THE COUNTY OF  
7 ALPENA SHALL SERVE AS JUDGE OF THE SEVENTY-EIGHTH-A DISTRICT.

8 (B) THE EIGHTY-EIGHTH-B DISTRICT IS CREATED AND CONSISTS OF  
9 THE COUNTY OF MONTMORENCY, AND IS A DISTRICT OF THE FIRST CLASS.  
10 PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF  
11 MONTMORENCY SHALL SERVE AS JUDGE OF THE EIGHTY-EIGHTH-B DISTRICT.

12 (3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF  
13 THE NINTH PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF THE  
14 ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES  
15 NOT LATER THAN NOVEMBER 2, 2010, PURSUANT TO SECTION 808.

16 Sec. 8160. (1) ~~The ninety-fifth a~~ UNTIL JANUARY 2, 2011, THE  
17 NINETY-FIFTH-A district consists of the county of Menominee, is a  
18 district of the first class and has 1 judge. EFFECTIVE JANUARY 2,  
19 2011, THE NINETY-FIFTH-A DISTRICT CONSISTS OF THE COUNTIES OF  
20 MENOMINEE AND DICKINSON, IS A DISTRICT OF THE FIRST CLASS, AND,  
21 EXCEPT AS PROVIDED IN SUBSECTION (2), HAS 2 JUDGES. THE ADDITIONAL  
22 JUDGESHIP IN THIS DISTRICT SHALL BE FILLED BY THE INCUMBENT  
23 DISTRICT JUDGE OF THE NINETY-FIFTH-B DISTRICT RESIDING IN DICKINSON  
24 COUNTY WHO SHALL SERVE AS A JUDGE OF THE NINETY-FIFTH-A DISTRICT  
25 FOR THE BALANCE OF THE TERM TO WHICH HE OR SHE WAS ELECTED OR  
26 APPOINTED.

27 (2) THE NINETY-FIFTH-A DISTRICT SHALL HAVE 1 JUDGE BEGINNING

1 ON THE EARLIER OF THE FOLLOWING DATES:

2 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF  
3 DISTRICT JUDGE IN THIS DISTRICT.

4 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT  
5 DISTRICT JUDGE IN THIS DISTRICT NO LONGER SEEKS ELECTION OR  
6 REELECTION TO THAT OFFICE.

7 (3) ~~(2) The ninety-fifth b~~ UNTIL JANUARY 2, 2011, THE NINETY-  
8 FIFTH-B district consists of the counties of Dickinson and Iron, is  
9 a district of the first class and has 1 judge. EFFECTIVE JANUARY 2,  
10 2011, THE NINETY-FIFTH-B DISTRICT CONSISTS OF THE COUNTY OF IRON  
11 AND IS A DISTRICT OF THE FIRST CLASS, AND, PURSUANT TO SECTION  
12 810A, THE PROBATE JUDGE FOR THE COUNTY OF IRON SHALL SERVE AS JUDGE  
13 OF THIS DISTRICT.

14 Sec. 8162. (1) ~~The~~ UNTIL JANUARY 2, 2011, THE ninety-seventh  
15 district consists of the counties of Houghton, Keweenaw and Baraga,  
16 is a district of the first class and has 1 judge.

17 (2) EFFECTIVE JANUARY 2, 2011, THE NINETY-SEVENTH-A DISTRICT  
18 IS CREATED AND CONSISTS OF THE COUNTY OF BARAGA, AND IS A DISTRICT  
19 OF THE FIRST CLASS. PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR  
20 THE COUNTY OF BARAGA SHALL SERVE AS JUDGE OF THIS DISTRICT.

21 (3) EFFECTIVE JANUARY 2, 2011, THE NINETY-SEVENTH-B DISTRICT  
22 IS CREATED AND CONSISTS OF THE COUNTIES OF HOUGHTON AND KEWEENAW,  
23 AND IS A DISTRICT OF THE FIRST CLASS. UNLESS SUBSECTIONS (4) AND  
24 (5) APPLY, THIS DISTRICT HAS 1 JUDGE. THE JUDGESHIP IN THIS  
25 DISTRICT SHALL BE FILLED BY THE INCUMBENT DISTRICT JUDGE OF THE  
26 NINETY-SEVENTH DISTRICT RESIDING IN HOUGHTON COUNTY WHO SHALL SERVE  
27 AS A JUDGE OF THE NINETY-SEVENTH-B DISTRICT FOR THE BALANCE OF THE

1 TERM TO WHICH HE OR SHE WAS ELECTED OR APPOINTED.

2 (4) BEGINNING ON THE DATE ON WHICH A VACANCY OCCURS IN THE  
3 OFFICE OF DISTRICT JUDGE IN THE NINETY-SEVENTH-B DISTRICT, OR THE  
4 BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN  
5 THE NINETY-SEVENTH-B DISTRICT NO LONGER SEEKS ELECTION OR  
6 REELECTION TO THAT OFFICE, WHICHEVER IS EARLIER, BOTH OF THE  
7 FOLLOWING APPLY:

8 (A) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR THE COUNTY  
9 OF HOUGHTON SHALL SERVE AS JUDGE OF THE NINETY-SEVENTH-B DISTRICT  
10 WITHIN HOUGHTON COUNTY.

11 (B) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR THE COUNTY  
12 OF KEWEENAW SHALL SERVE AS JUDGE OF NINETY-SEVENTH-B DISTRICT  
13 WITHIN KEWEENAW COUNTY.

14 (5) SUBSECTION (4) DOES NOT TAKE EFFECT IF THE FORMATION OF  
15 THE FIRST PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF THE  
16 ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES  
17 NOT LATER THAN NOVEMBER 2, 2010, PURSUANT TO SECTION 808.

18 Sec. 8163. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND  
19 (3), THE ninety-eighth district consists of the counties of  
20 Ontonagon and Gogebic, is a district of the first class and has 1  
21 judge.

22 (2) UNLESS SUBSECTION (3) APPLIES, THE FOLLOWING PROVISIONS  
23 APPLY TO THIS DISTRICT BEGINNING ON 12 NOON, JANUARY 1, 2015, OR  
24 THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE  
25 IN THIS DISTRICT, WHICHEVER IS EARLIER:

26 (A) THE NINETY-EIGHTH-A DISTRICT IS CREATED AND CONSISTS OF  
27 THE COUNTY OF GOGEBIC, AND IS A DISTRICT OF THE FIRST CLASS.

1 PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR THE COUNTY OF  
2 GOGEBIC SHALL SERVE AS JUDGE OF THIS DISTRICT.

3 (B) THE NINETY-EIGHTH-B DISTRICT IS CREATED AND CONSISTS OF  
4 THE COUNTY OF ONTONAGON, AND IS A DISTRICT OF THE FIRST CLASS.  
5 PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR THE COUNTY OF  
6 ONTONAGON SHALL SERVE AS JUDGE OF THIS DISTRICT.

7 (3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF  
8 THE SECOND PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF THE  
9 ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES  
10 NOT LATER THAN NOVEMBER 2, 2010, PURSUANT TO SECTION 808.

11 Sec. 8176. (1) If a new district is proposed by law, that new  
12 district shall not be created and any district judgeship proposed  
13 for the district shall not be authorized or filled by election  
14 unless each district control unit in the proposed district, by  
15 resolution adopted by the governing body of the district control  
16 unit, approves the creation of the new district and each judgeship  
17 proposed for the district and unless the clerk of each district  
18 control unit adopting that resolution files a copy of the  
19 resolution with the state court administrator not later than 4 p.m.  
20 of the sixteenth Tuesday preceding the August primary for the  
21 election immediately preceding the effective date of the new  
22 district. The state court administrator shall immediately notify  
23 the elections division of the department of state with respect to  
24 each new judicial district and district judgeship authorized  
25 pursuant to this subsection.

26 (2) A resolution required under subsection (1) that is filed  
27 before the effective date of the amendatory act that authorized

1 that new district is a valid approval for purposes of this section  
2 only if the filing occurs within the 2-year state legislative  
3 session during which the amendatory act was enacted. A resolution  
4 required under subsection (1) that is filed after the effective  
5 date of the amendatory act that authorized that new district is a  
6 valid approval for purposes of this section only if the filing  
7 occurs not later than 4 p.m. of the sixteenth Tuesday preceding the  
8 August primary for the election immediately preceding the effective  
9 date of the new district.

10 (3) By proposing a new district and 1 or more district  
11 judgeships for the district, the legislature is not creating that  
12 district or any judgeship in the district. If a district control  
13 unit, acting through its governing body, approves the creation of a  
14 new district and 1 or more district judgeships proposed by law for  
15 that district, that approval constitutes an exercise of the  
16 district control unit's option to provide a new activity or service  
17 or to increase the level of activity or service offered in the  
18 district control unit beyond that required by existing law, as the  
19 elements of that option are defined by 1979 PA 101, MCL 21.231 to  
20 21.244, and a voluntary acceptance by the district control unit of  
21 all expenses and capital improvements which may result from the  
22 creation of the new district and each judgeship. However, the  
23 exercise of the option does not affect the state's obligation to  
24 pay the same portion of each judge's salary which is paid by the  
25 state to other district judges as provided by law, or to  
26 appropriate and disburse funds to the district control unit for the  
27 necessary costs of state requirements established by a state law

1 which becomes effective on or after December 23, 1978.

2 (4) Each district judgeship created pursuant to subsection (1)  
3 shall be filled by election pursuant to the Michigan election law,  
4 1954 PA 116, MCL 168.1 to 168.992. The first term of each district  
5 judgeship shall be 6 years, unless the law permitting the creation  
6 of the new district and 1 or more judgeships provides for a term of  
7 a different length.

8 (5) The reformation of the seventy-eighth, seventy-ninth,  
9 eighty-first, eighty-second, eighty-third, and eighty-seventh  
10 judicial districts pursuant to ~~the 2002 amendatory act that added~~  
11 ~~this subsection~~ **2002 PA 92** does not require the approval of the  
12 district control unit under this section or section 8175.

13 **(6) THE REFORMATION OF THE SEVENTY-NINTH, EIGHTY-FIRST,**  
14 **EIGHTY-FIFTH, EIGHTY-EIGHTH, NINETY-FIFTH-A, NINETY-FIFTH-B,**  
15 **NINETY-SEVENTH, AND NINETY-EIGHTH JUDICIAL DISTRICTS PURSUANT TO**  
16 **THE 2009 AMENDATORY ACT THAT ADDED THIS SUBSECTION DOES NOT REQUIRE**  
17 **THE APPROVAL OF THE DISTRICT CONTROL UNIT UNDER THIS SECTION OR**  
18 **SECTION 8175.**