

1998 PUBLIC AND LOCAL ACTS

[No. 55]

(SB 824)

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 803 (MCL 600.803), as amended by 1980 PA 129.

The People of the State of Michigan enact:

600.803 Probate judges; number. [M.S.A. 27A.803]

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

(2) Each probate court district created pursuant to law shall have 1 judge of probate.

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

(4) The counties of Genesee, Macomb, and Kalamazoo shall each have 3 judges of probate.

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

(6) The county of Oakland shall have at least 4 judges of probate. The county board of commissioners, by a majority vote of the members of the board, may provide for an additional judge of probate when the board considers it necessary. The county of Oakland shall have not more than 5 judges of probate. The additional probate judge shall be elected at the next general election which occurs not less than 175 days after authorization by the county board of commissioners. To insure that the judges of probate are elected in different general elections and that not more than 2 of the judges' terms expire at the same time, the first term of the fifth probate judge shall expire on January 1 of the next odd numbered year in which 2 existing regular terms do not expire, except that the term shall be for not less than 6 years.

(7) The county of Wayne shall have at least 8 but not more than 12 judges of probate. The county board of commissioners, by a majority vote of the members of the board, may provide for additional judges of probate when the county board of commissioners considers it necessary. The additional probate judges shall be elected at the next general election which occurs not less than 175 days after the authorization by the county board of commissioners. To insure that the judges of probate are elected in different elections and that not more than 3 of the judges' terms expire at the same time, the first term of a ninth probate judge shall expire on January 1 of the next odd numbered year in which 3 existing regular terms do not expire, except that the term shall be for not less than 6 years. The first term of a tenth probate judge shall be for 6 years. The first term of an eleventh or twelfth probate judge shall expire on January 1 of the odd numbered year in which a total of 4 existing regular terms or terms of simultaneously authorized judgeships do not expire, except that the term shall be for not less than 6 years.

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

This act is ordered to take immediate effect.

Approved April 8, 1998.

Filed with Secretary of State April 8, 1998.
