

HOUSE BILL No. 5276

August 26, 2009, Introduced by Reps. Rick Jones, Calley, Moss, Haines and Knollenberg and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 411, 504, 524, 807, 8117, 8146, 8152, 8160,
8161, 8162, 8163, and 8202 (MCL 600.411, 600.504, 600.524, 600.807,
600.8117, 600.8146, 600.8152, 600.8160, 600.8161, 600.8162,
600.8163, and 600.8202), section 411 as added by 2005 PA 326,
section 504 as amended by 2002 PA 715, sections 524 and 8146 as
amended by 2002 PA 92, section 807 as amended by 2004 PA 492,
section 8117 as amended by 2005 PA 237, section 8152 as amended by
2008 PA 137, and section 8202 as amended by 1996 PA 388, and by
adding section 810b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411. A plan of concurrent jurisdiction may provide that a
2 probate judge of a county described in section 810a **OR 810B** has the

jurisdiction, powers, and duties of a district judge within that county, including jurisdiction over small claims and civil infraction actions and the power of appointment to a public office delegated by constitution or statute to the district judge.

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

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

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

(c) Beginning 12 noon, January 1, 2005, ~~61~~ **2015**, 58 judges.

Sec. 524. ~~(1)~~ ~~The twenty third judicial circuit consists of the counties of Iosco and Oscoda and has 1 judge. Beginning April 1, 2003, the~~ **THE** twenty-third judicial circuit consists of the counties of Alcona, Arenac, Iosco, and Oscoda and, **EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3)**, has 2 judges. ~~The additional judgeship in this circuit shall be filled by the incumbent circuit judge of the thirty fourth circuit residing in Arenac county with a term ending January 1, 2009, who shall serve as a judge of the twenty third circuit for the balance of the term to which he or she was elected or appointed. For purposes of the November 2008 general election only, the term of the candidate for circuit judge in this circuit who receives the highest number of votes shall be 8 years, and the term of the candidate receiving the second highest number~~

1 of votes shall be 6 years.

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

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

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

9 (3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF
10 THE SIXTEENTH PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF
11 THE ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED
12 COUNTIES NOT LATER THAN SEPTEMBER 1, 2011, PURSUANT TO SECTION 808.

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

17 (a) The first district consists of the counties of Houghton
18 and Keweenaw.

19 (B) THE SECOND DISTRICT CONSISTS OF THE COUNTIES OF ONTONAGON
20 AND GOGEBIC.

21 (C) ~~(b)~~—The fifth district consists of the counties of
22 Schoolcraft and Alger.

23 (D) ~~(e)~~—The sixth district consists of the counties of
24 Mackinac and Luce.

25 (E) ~~(d)~~—The seventh district consists of the counties of Emmet
26 and Charlevoix.

27 (F) THE FIFTEENTH DISTRICT CONSISTS OF THE COUNTIES OF ALCONA

1 AND OSCODA.

2 (G) THE SIXTEENTH DISTRICT CONSISTS OF THE COUNTIES OF IOSCO
3 AND ARENAC.

4 (H) ~~(e)~~—The seventeenth district consists of the counties of
5 Clare and Gladwin.

6 (I) ~~(f)~~—The eighteenth district consists of the counties of
7 Mecosta and Osceola.

8 SEC. 810B. (1) BEGINNING ON THE DATE PROVIDED IN SUBSECTION
9 (2), THE PROBATE JUDGES IN EACH OF THE COUNTIES OF IOSCO, OTSEGO,
10 DICKINSON, MENOMINEE, HOUGHTON, KEWEENAW, AND GOGEBIC HAVE THE
11 JURISDICTION, POWERS, DUTIES, AND TITLE OF A DISTRICT JUDGE WITHIN
12 THAT COUNTY, IN ADDITION TO THE JURISDICTION, POWERS, DUTIES, AND
13 TITLE OF A PROBATE JUDGE.

14 (2) SUBSECTION (1) TAKES EFFECT FOR EACH COUNTY NAMED IN
15 SUBSECTION (1) ON THE DATE THE DISTRICT JUDGESHIP IN THAT COUNTY IS
16 ELIMINATED BY LAW.

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

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

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

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

27 Sec. 8146. (1) ~~The eighty-first district consists of the~~

~~counties of Iosco and Arenac, is a district of the first class, and~~
~~has 1 judge. Beginning April 1, 2003, the~~ **THE** ~~eighty-first district~~
consists of the counties of Alcona, Arenac, Iosco, and Oscoda, is a
district of the first class, and, **EXCEPT AS PROVIDED IN SUBSECTIONS**
(2) AND (3), has 1 judge.

(2) UNLESS SUBSECTION (3) APPLIES, THE FOLLOWING PROVISIONS
APPLY TO THIS DISTRICT BEGINNING ON THE DATE ON WHICH A VACANCY
OCCURS IN THE OFFICE OF DISTRICT JUDGE IN THIS DISTRICT, OR THE
BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN
THIS DISTRICT NO LONGER SEEKS ELECTION OR REELECTION TO THAT
OFFICE, WHICHEVER IS EARLIER:

(A) PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR ALCONA
COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN ALCONA COUNTY.

(B) PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR ARENAC
COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN ARENAC COUNTY.

(C) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR IOSCO
COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN IOSCO COUNTY.

(D) PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR OSCODA
COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN OSCODA COUNTY.

(3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF
THE FIFTEENTH PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF
THE ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED
COUNTIES NOT LATER THAN SEPTEMBER 1, 2011, PURSUANT TO SECTION 808.

Sec. 8152. ~~(1) Except as provided in subsections (2) and (3),~~
~~the eighty-seventh district consists of the counties of Crawford,~~
~~Kalkaska, and Otsego, is a district of the first class, and has 1~~
~~judge.~~

~~———— (2) If the condition in subsection (3) is met, all of the following apply effective January 2, 2009: ———~~

~~———— (a) The eighty-seventh~~ **THE EIGHTY-SEVENTH-A** district consists of the county of Otsego, is a district of the first class, and, **EXCEPT AS PROVIDED IN SUBSECTION (2),** has 1 judge. ~~, and shall be redesignated as the eighty-seventh A district.~~

(2) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR OTSEGO COUNTY SHALL SERVE AS JUDGE OF THE EIGHTY-SEVENTH-A DISTRICT BEGINNING ON THE EARLIER OF THE FOLLOWING DATES:

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

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

(3) ~~(b)~~ The eighty-seventh-B district consists of the county of Kalkaska and is a district of the first class. Pursuant to section 810a, the Kalkaska county probate judge shall serve as judge of the eighty-seventh-B district.

(4) ~~(c)~~ The eighty-seventh-C district consists of the county of Crawford and is a district of the first class. Pursuant to section 810a, the Crawford county probate judge shall serve as judge of the eighty-seventh-C district.

~~———— (3) Subsection (2) does not take effect unless the county of Otsego by resolution adopted by the governing body of the district funding unit approves the reformation of the eighty-seventh district and its redesignation as the eighty-seventh A district and files a copy of the resolution with the state court administrator.~~

1 Sec. 8160. (1) The ~~ninety-fifth-a~~ **NINETY-FIFTH-A** district
2 consists of the county of Menominee, is a district of the first
3 class and, **EXCEPT AS PROVIDED IN SUBSECTION (2)**, has 1 judge.

4 (2) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR MENOMINEE
5 COUNTY SHALL SERVE AS JUDGE OF THE NINETY-FIFTH-A DISTRICT,
6 BEGINNING ON THE EARLIER OF THE FOLLOWING DATES:

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

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

12 (3) ~~(2)-The ninety-fifth-b~~ **NINETY-FIFTH-B** district consists of
13 the counties of Dickinson and Iron, is a district of the first
14 class and, **EXCEPT AS PROVIDED IN SUBSECTION (4)**, has 1 judge.

15 (4) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR DICKINSON
16 COUNTY SHALL SERVE AS JUDGE OF THE NINETY-FIFTH-B DISTRICT WITHIN
17 DICKINSON COUNTY AND THE PROBATE JUDGE FOR IRON COUNTY SHALL SERVE
18 AS THE JUDGE OF THE NINETY-FIFTH-B DISTRICT WITHIN IRON COUNTY,
19 BEGINNING ON THE EARLIER OF THE FOLLOWING DATES:

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

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

25 Sec. 8161. (1) The ninety-sixth district consists of the
26 county of Marquette, is a district of the first class and, **EXCEPT**
27 **AS PROVIDED IN SUBSECTION (2)**, has 2 judges.

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

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

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

8 Sec. 8162. (1) The ninety-seventh district consists of the
9 counties of Houghton, Keweenaw and Baraga, is a district of the
10 first class and, EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), has
11 1 judge.

12 (2) UNLESS SUBSECTION (3) APPLIES, THE FOLLOWING PROVISIONS
13 APPLY TO THIS DISTRICT BEGINNING ON THE DATE ON WHICH A VACANCY
14 OCCURS IN THE OFFICE OF DISTRICT JUDGE IN THIS DISTRICT, OR
15 THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT
16 JUDGE IN THIS DISTRICT NO LONGER SEEKS ELECTION OR REELECTION TO
17 THAT OFFICE, WHICHEVER IS EARLIER:

18 (A) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR HOUGHTON
19 COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN HOUGHTON
20 COUNTY.

21 (B) PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR BARAGA
22 COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN BARAGA COUNTY.

23 (C) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR KEWEENAW
24 COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN KEWEENAW
25 COUNTY.

26 (3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF
27 THE FIRST PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF THE

1 ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES
2 NOT LATER THAN SEPTEMBER 1, 2011, PURSUANT TO SECTION 808.

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

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

10 (A) PURSUANT TO SECTION 810A, THE PROBATE JUDGE FOR ONTONAGON
11 COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN ONTONAGON
12 COUNTY.

13 (B) PURSUANT TO SECTION 810B, THE PROBATE JUDGE FOR GOGEBIC
14 COUNTY SHALL SERVE AS JUDGE OF THIS DISTRICT WITHIN GOGEBIC COUNTY.

15 (3) SUBSECTION (2) DOES NOT TAKE EFFECT IF THE FORMATION OF
16 THE SECOND PROBATE COURT DISTRICT IS APPROVED BY A MAJORITY OF THE
17 ELECTORS VOTING ON THE QUESTION IN EACH OF THE AFFECTED COUNTIES
18 NOT LATER THAN SEPTEMBER 1, 2011, PURSUANT TO SECTION 808.

19 Sec. 8202. (1) Subject to subsection (3), a district judge
20 shall receive an annual salary payable by this state as provided in
21 this section.

22 (2) In addition to the salary received from this state, a
23 district judge may receive from a district funding unit in which
24 the judge regularly holds court an additional salary as determined
25 by the governing legislative body of the district funding unit as
26 provided in this section. Supplemental salaries paid by a district
27 funding unit shall be uniform as to all judges who regularly hold

1 court in the district funding unit. However, the total annual
2 additional salary paid to a district court judge by the district
3 funding units in which the judge regularly holds court shall not
4 cause the district judge's total annual salary received from state
5 and district funding unit funds to exceed the maximum total salary
6 allowed under this section.

7 (3) An increase in the amount of salary payable to a judge
8 under subsection (1) caused by an increase in the salary payable to
9 a justice of the supreme court resulting from the operation of Act
10 ~~No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218~~
11 ~~of the Michigan Compiled Laws 1968 PA 357, MCL 15.211 TO 15.218,~~
12 shall not be effective until February 1 of the year in which the
13 increase in the salary of a justice of the supreme court becomes
14 effective. If an increase in salary becomes effective on February 1
15 of a year in which an increase in the salary of a justice of the
16 supreme court becomes effective, the increase shall be retroactive
17 to January 1 of that year.

18 ~~—— (4) Until the salary of a justice of a supreme court exceeds~~
19 ~~\$124,413.00, each district judge shall receive an annual salary of~~
20 ~~\$104,507.00 determined as follows:~~

21 ~~—— (a) An annual salary of \$58,783.00 payable by the state.~~

22 ~~—— (b) An additional salary of \$45,724.00 payable by the district~~
23 ~~funding unit or units as provided in subsection (2). If a district~~
24 ~~judge receives a total additional salary of \$45,724.00 from the~~
25 ~~district funding unit or units and does not receive less than or~~
26 ~~more than \$45,724.00, including any cost of living allowance, the~~
27 ~~state shall reimburse the district funding unit or units the amount~~

1 ~~that the unit or units have paid to the judge.~~

2 ~~—— (5) If the salary of a justice of the supreme court exceeds~~
3 ~~\$124,413.00, each~~

4 (4) EACH district judge shall receive an annual salary
5 determined as follows:

6 (a) A minimum annual salary of the difference between 84% of
7 the salary of a justice of the supreme court and \$45,724.00.

8 **HOWEVER, BEGINNING OCTOBER 1, 2013, IF A DISTRICT JUDGE**
9 **PARTICIPATES IN A PLAN OF CONCURRENT JURISDICTION UNDER CHAPTER 4,**
10 **THAT DISTRICT JUDGE SHALL RECEIVE A MINIMUM ANNUAL SALARY OF THE**
11 **DIFFERENCE BETWEEN 85% OF THE SALARY OF A JUSTICE OF THE SUPREME**
12 **COURT AND \$45,724.00.**

13 (b) An additional salary of \$45,724.00 from the district
14 funding unit or units as provided in subsection (2). If a district
15 judge receives a total additional salary of \$45,724.00 from the
16 district funding unit or units and does not receive less than or
17 more than \$45,724.00, including any cost-of-living allowance, the
18 state shall reimburse the district funding unit or units the amount
19 that the unit or units have paid to the judge.

20 (5) ~~(6)~~ A district judge who holds court in a county other
21 than the county of the judge's residence shall be reimbursed for
22 his or her actual and necessary expenses incurred in holding court
23 upon certification and approval by the state court administrator.
24 Upon certification of the judge's expenses, the sum shall be paid
25 out of the state treasury pursuant to the accounting laws of this
26 state.

27 (6) ~~(7)~~ Salaries of a district court judge may be increased

1 but shall not be decreased during a term of office except and only
2 to the extent of a general salary reduction in all other branches
3 of government.

4 (7) ~~(8)~~ A judge of the district court is eligible to be a
5 member of the Michigan judges retirement system created by the
6 judges retirement act of 1992, ~~Act No. 234 of the Public Acts of~~
7 ~~1992, being sections 38.2101 to 38.2608 of the Michigan Compiled~~
8 ~~Laws~~ **1992 PA 234, MCL 38.2101 TO 38.2608.**

9 (8) ~~(9)~~ The district court in a district may hold evening and
10 Saturday sessions.