

SENATE BILL NO. 766

December 02, 2021, Introduced by Senators BRINKS, HUIZENGA, NESBITT, POLEHANKI and MCCANN and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 803 (MCL 600.803), as amended by 2012 PA 36.

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 probate court district created by law has 1 judge of
5 probate.

6 (3) The county of Sanilac has 1 judge of probate. Under
7 section 15 of article VI of the state constitution of 1963, the

1 office of probate judge for the county of Sanilac ~~shall be~~ **is**
 2 combined with the office of judge of the seventy-third-a judicial
 3 district. ~~, and the incumbent judge of the seventy-third-a judicial~~
 4 ~~district shall become the probate judge for the county of Sanilac~~
 5 ~~for the balance of the term to which he or she was elected.~~

6 (4) The county of Huron has the following number of judges of
 7 probate:

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

9 **(a)** ~~(b)~~ Beginning April 1, 2012, under section 15 of article
 10 VI of the state constitution of 1963, the office of probate judge
 11 for the county of Huron ~~shall be~~ **is** combined with the office of
 12 judge of the seventy-third-b judicial district, and the county of
 13 Huron shall have 2 judges of probate. The judgeship added under
 14 this subdivision ~~shall~~ **must** be filled by the incumbent judge of the
 15 seventy-third-b judicial district, who shall become a probate judge
 16 for the county of Huron for the balance of the term to which he or
 17 she was elected.

18 **(b)** ~~(c)~~ Beginning the earlier of the following dates, the
 19 county of Huron has 1 judge of probate:

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

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

25 (5) The county of Chippewa has ~~the following number of judges~~
 26 **1 judge** of probate. ÷

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

28 ~~(b) Beginning April 1, 2012, under~~ **Under** section 15 of article
 29 VI of the state constitution of 1963, the office of probate judge

1 for the county of Chippewa ~~shall be~~ **is** combined with the office of
2 judge of the ninety-first judicial district. ~~, and the county of~~
3 ~~Chippewa shall have 2 judges of probate. The judgeship added under~~
4 ~~this subdivision shall be filled by the incumbent judge of the~~
5 ~~ninety-first judicial district, who shall become a probate judge~~
6 ~~for the county of Chippewa for the balance of the term to which he~~
7 ~~or she was elected.~~

8 ~~(c) Beginning the earlier of the following dates, the county~~
9 ~~of Chippewa has 1 judge of probate:~~

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

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

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

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

19 (8) The county of Kent has 4 judges of probate. **Subject to**
20 **section 805, the county of Kent may have 1 additional judge**
21 **beginning January 1, 2023.**

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

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

24 (11) When 1 or more new judges of probate are authorized in a
25 county under this section, the new judgeship or judgeships ~~shall~~
26 **must** appear on the ballot separate and apart from other judicial
27 offices of the same court in the primary and general election.