

# SENATE BILL No. 796

April 13, 1988, Introduced by Senators EHLERS, SCHWARZ, WELBORN,  
FAXON and ARTHURHULTZ and referred to the Committee on Judiciary.

A bill to amend sections 506, 507, 510, 518, 528, 537, and  
805 of Act No. 236 of the Public Acts of 1961, entitled as  
amended

"Revised judicature act of 1961,"

section 805 as added by Act No. 129 of the Public Acts of 1980,  
being sections 600.506, 600.507, 600.510, 600.518, 600.528,  
600.537, and 600.805 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 506, 507, 510, 518, 528, 537, and 805  
2 of Act No. 236 of the Public Acts of 1961, section 805 as added  
3 by Act No. 129 of the Public Acts of 1980, being sections  
4 600.506, 600.507, 600.510, 600.518, 600.528, 600.537, and 600.805  
5 of the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 506. The fifth judicial circuit consists of the  
7 counties of Barry and Eaton and has 2 judges. SUBJECT TO SECTION

1 550, THIS JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE  
2 JANUARY 1, 1989.

3 Sec. 507. The sixth judicial circuit consists of the county  
4 of Oakland and has 14 judges. SUBJECT TO SECTION 550, THIS JUDI-  
5 CIAL CIRCUIT MAY HAVE 2 ADDITIONAL JUDGES EFFECTIVE JANUARY 1,  
6 1991.

7 Sec. 510. The ninth judicial circuit consists of the county  
8 of Kalamazoo and has 4 judges. SUBJECT TO SECTION 550, THIS  
9 JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1,  
10 1989.

11 Sec. 518. The seventeenth judicial circuit consists of the  
12 county of Kent and has 6 judges. SUBJECT TO SECTION 550, THIS  
13 JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1,  
14 1989.

15 Sec. 528. The twenty-seventh judicial circuit consists of  
16 the counties of Newaygo and Oceana and has 1 judge. SUBJECT TO  
17 SECTION 550, THIS JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE  
18 EFFECTIVE JANUARY 1, 1989.

19 Sec. 537. The thirty-sixth judicial circuit consists of the  
20 county of Van Buren and has 1 judge. SUBJECT TO SECTION 550,  
21 THIS JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE  
22 JANUARY 1, 1989.

23 Sec. 805. (1) The additional judges of probate permitted by  
24 section 803 shall not be authorized to be filled by election  
25 unless the county, by resolution adopted by the county board of  
26 commissioners, approves the creation of that judgeship and unless  
27 the clerk of that county files a copy of the resolution with the

1 state court administrator not later than 4 p.m. of the ~~tenth~~  
2 THIRTEENTH Tuesday preceding the August primary immediately fol-  
3 lowing the effective date of the amendatory act permitting the  
4 creation of that additional judge of probate. The state court  
5 administrator shall immediately notify the county clerk with  
6 respect to any new judge of probate authorized for that county  
7 pursuant to this subsection.

8 (2) By permitting an additional judgeship, the legislature  
9 is not creating that judgeship. If a county, acting through its  
10 board of commissioners, approves the creation of an additional  
11 judge of probate, that approval constitutes an exercise of the  
12 county's option to provide a new activity or service or to  
13 increase the level of activity or service offered in the county  
14 beyond that required by existing law, as the elements of that  
15 option are defined by Act No. 101 of the Public Acts of 1979,  
16 BEING SECTIONS 21.231 TO 21.244 OF THE MICHIGAN COMPILED LAWS,  
17 and a voluntary acceptance by the county of all expenses and cap-  
18 ital improvements which may result from the creation of the  
19 judgeship. However, the exercise of the option does not affect  
20 the state's obligation to pay the same portion of the additional  
21 judge's salary which is paid by the state to the other judges of  
22 probate of the same county, or to appropriate and disburse funds  
23 to the county for the necessary costs of state requirements  
24 established by a state law which becomes effective on or after  
25 December 23, 1978.

26 (3) Each additional judgeship created pursuant to subsection  
27 (1) shall be filled by election pursuant to THE MICHIGAN ELECTION

1 LAW, Act No. 116 of the Public Acts of 1954, as amended BEING  
2 SECTIONS 168.1 TO 168.992 OF THE MICHIGAN COMPILED LAWS. The  
3 first term of each additional judgeship shall be 6 years unless  
4 the law permitting the additional judgeship provides for a term  
5 of a different length.