

Act No. 54  
Public Acts of 1990  
Approved by the Governor  
April 11, 1990  
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April 11, 1990

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1990**

Introduced by Reps. Gubow, Gire, Ciaramitaro, Perry Bullard and DeBeaussaert

# **ENROLLED HOUSE BILL No. 5500**

AN ACT to amend sections 506, 517, 521, 535, 536, 538, 549, 550, 550a, 8113, 8120, 8121, 8123, 8128, 8131, 8147, 8152, 8175, 8176, 8177, and 8379 of Act No. 236 of the Public Acts of 1961, entitled as amended "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," sections 517 and 536 as amended and section 550a as added by Act No. 129 of the Public Acts of 1980, sections 506 and 550 as amended by Act No. 134 of the Public Acts of 1988, sections 8120, 8123, and 8175 as amended and section 8177 as added by Act No. 135 of the Public Acts of 1988, section 8121 as amended by Act No. 40 of the Public Acts of 1982, and section 8176 as added by Act No. 95 of the Public Acts of 1984, being sections 600.506, 600.517, 600.521, 600.535, 600.536, 600.538, 600.549, 600.550, 600.550a, 600.8113, 600.8120, 600.8121, 600.8123, 600.8128, 600.8131, 600.8147, 600.8152, 600.8175, 600.8176, 600.8177, and 600.8379 of the Michigan Compiled Laws; and to add section 549h.

*The People of the State of Michigan enact:*

Section 1. Sections 506, 517, 521, 535, 536, 538, 549, 550, 550a, 8113, 8120, 8121, 8123, 8128, 8131, 8147, 8152, 8175, 8176, 8177, and 8379 of Act No. 236 of the Public Acts of 1961, sections 517 and 536 as amended and section 550a as added by Act No. 129 of the Public Acts of 1980, sections 506 and 550 as amended by Act No. 134 of the Public Acts of 1988, sections 8120, 8123, and 8175 as amended and section 8177 as added by Act No. 135 of the Public Acts of 1988, section 8121 as amended by Act No. 40 of the Public Acts of 1982, and section 8176 as added by Act No. 95 of the Public Acts of 1984, being sections 600.506, 600.517, 600.521, 600.535, 600.536, 600.538, 600.549, 600.550, 600.550a, 600.8113, 600.8120, 600.8121, 600.8123, 600.8128, 600.8131, 600.8147, 600.8152, 600.8175, 600.8176, 600.8177, and 600.8379 of the Michigan Compiled Laws, are amended and section 549h is added to read as follows:

Sec. 506. (1) except as provided in subsection (2), the fifth judicial circuit consists of the counties of Barry and Eaton and has 2 judges.

(2) If the county of Barry approves the reformation of the fifth judicial circuit pursuant to law and the county of Eaton approves the creation of the fifty-sixth judicial circuit pursuant to law, the fifth judicial circuit consists of the county of Barry and has 1 judge effective January 1, 1991.

Sec. 517. The sixteenth judicial circuit consists of the county of Macomb and has 8 judges. Subject to section 550, this circuit may have 1 additional judge effective January 1, 1991.

Sec. 521. The twentieth judicial circuit consists of the county of Ottawa and has 2 judges. Subject to section 550, the twentieth judicial circuit may have 1 additional judge effective January 1, 1993.

Sec. 535. The thirty-fourth judicial circuit consists of the counties of Arenac, Ogemaw and Roscommon and has 1 judge. Subject to section 550, the thirty-fourth judicial circuit may have 1 additional judge effective January 1, 1991. If a new office of judge is added to this circuit to be filled by election in 1990, the term of office of the judge for that election only shall be 8 years.

Sec. 536. The thirty-fifth judicial circuit consists of the county of Shiawassee and has 1 judge. Subject to section 550, this circuit may have 1 additional judge effective January 1, 1991.

Sec. 538. The thirty-seventh judicial circuit consists of the county of Calhoun and has 3 judges. Subject to section 550, the thirty-seventh judicial circuit may have 1 additional judge effective January 1, 1993.

Sec. 549. The forty-eighth judicial circuit consists of the county of Allegan and has 1 judge. Subject to section 550, the forty-eighth judicial circuit may have 1 additional judge effective January 1, 1991.

Sec. 549h. If the county of Barry approves the reformation of the fifth judicial circuit pursuant to law, and the county of Eaton approves the creation of the fifty-sixth judicial circuit pursuant to law, the fifty-sixth judicial circuit consists of the county of Eaton and has 1 judge effective January 1, 1991. Subject to section 550, this judicial circuit may have 1 additional judge effective January 1, 1991.

Sec. 550. (1) An additional circuit judgeship permitted by this chapter shall not be authorized to be filled by election unless each county in the circuit, by resolution adopted by the county board of commissioners, approves the creation of that judgeship and unless the clerk of each county adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the August primary for the election to fill the additional circuit judgeship. The state court administrator shall immediately notify the elections division of the department of state with respect to each new circuit judgeship authorized pursuant to this subsection.

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

(3) By permitting an additional judgeship, the legislature is not creating that judgeship. If a county, acting through its board of commissioners, approves the creation of an additional circuit judgeship, that approval constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered in the county beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the county of all expenses and capital improvements which may result from the creation of the judgeship. However, the exercise of the option does not affect the state's obligation to pay the same portion of the additional judge's salary which is paid by the state to the other judges of the same circuit, or to appropriate and disburse funds to the county for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(4) Each additional circuit judgeship created pursuant to subsection (1) shall be filled by election pursuant to the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The first term of each additional circuit judgeship shall be 6 years, unless the law permitting the additional judgeship provides for a term of a different length.

Sec. 550a. (1) If a new judicial circuit is proposed by law, that new circuit shall not be created nor any circuit judgeship proposed for the circuit be authorized or filled by election unless each county in the proposed circuit, by resolution adopted by the county board of commissioners, approves the creation of the new circuit and each judgeship proposed for the circuit and unless the clerk of each county adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the August primary immediately following the effective date of the amendatory act permitting the creation of the new circuit. The state court administrator shall immediately notify the elections division of the department of state with respect to each new judicial circuit and circuit judgeship authorized pursuant to this subsection.

(2) By proposing a new judicial circuit and 1 or more circuit judgeships for the circuit, the legislature is not creating that circuit or any judgeship in the circuit. If a county, acting through its board of commissioners, approves the creation of a new circuit and 1 or more circuit judgeships proposed by law for that circuit, that approval constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered in the county beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the county of all expenses and capital improvements which may result from the creation of the new circuit and each judgeship. However, the exercise of the option does not affect the state's obligation to pay a portion of the circuit judge's or judges' salary as provided by law, or to appropriate and disburse funds to the county for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(3) Each circuit judgeship created pursuant to subsection (1) shall be filled by election pursuant to Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The first term of each circuit judgeship shall be 6 years, unless the law permitting the creation of the new circuit and 1 or more judgeships provides for a term of a different length.

Sec. 8113. (1) Except as provided in subsections (2) and (3), the third district consists of the counties of St. Joseph and Branch, is a district of the first class and is divided into the following election divisions:

(a) The first division consists of the county of Branch and has 1 judge.

(b) The second division consists of the county of St. Joseph and has 1 judge.

(2) If the county of Branch approves the creation of the third-a district pursuant to law and the county of St. Joseph approves the creation of the third-b district pursuant to section 8176, the third-a district consists of the county of Branch, is a district of the first class, and has 1 judge.

(3) If the county of Branch approves the creation of the third-a district pursuant to law and the county of St. Joseph approves the creation of the third-b district pursuant to section 8176, the third-b district consists of the county of St. Joseph, is a district of the first class, and has 1 judge. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991. If a new office of judge is added to this district to be filled by election in 1990, the term of office of the judge for that election only shall be 4 years.

Sec. 8120. (1) The fourteenth district consists of the county of Washtenaw except the city of Ann Arbor, is a district of the second class, and has 4 judges. If the township of Ypsilanti approves the formation of the fourteenth-b district and district judgeship subject to section 8176, effective on January 1, 1985 and through December 31, 1986, the fourteenth-a district consists of the county of Washtenaw, except the city of Ann Arbor and the township of Ypsilanti, is a district of the second class, and has 4 judges. Effective on January 1, 1987, the fourteenth-a district consists of the county of Washtenaw, except the city of Ann Arbor and the township of Ypsilanti, is a district of the second class, and has 3 judges.

(2) If the township of Ypsilanti approves the formation of the fourteenth-b district and district judgeship subject to section 8176, effective on January 1, 1985, the fourteenth-b district consists of the township of Ypsilanti, is a district of the third class, and has 1 judge.

(3) The fifteenth district consists of the city of Ann Arbor, is a district of the third class, and has 3 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1993.

Sec. 8121. (1) The sixteenth district consists of the city of Livonia, is a district of the third class, and has 2 judges

(2) The seventeenth district consists of the township of Redford in the county of Wayne, is a district of the third class, and has 2 judges.

(3) The eighteenth district consists of the city of Westland, is a district of the third class, and has 2 judges.

(4) The nineteenth district consists of the city of Dearborn, is a district of the third class, and has 2 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991 and may have 1 additional judge effective January 1, 1993.

(5) The twentieth district consists of the city of Dearborn Heights, is a district of the third class, and has 2 judges.

- (6) The twenty-first district consists of the city of Garden City, is a district of the third class, and has 1 judge.
- (7) The twenty-second district consists of the city of Inkster, is a district of the third class, and has 1 judge.
- (8) The twenty-third district consists of the city of Taylor, is a district of the third class, and has 2 judges.
- (9) The twenty-fourth district consists of the cities of Allen Park and Melvindale, is a district of the third class, and has 2 judges.
- (10) The twenty-fifth district consists of the city of Lincoln Park, is a district of the third class, and has 2 judges.
- (11) The twenty-sixth district consists of the cities of River Rouge and Ecorse, is a district of the third class, and is divided into the following election divisions:
- (a) The first division consists of the city of River Rouge and has 1 judge.
- (b) The second division consists of the city of Ecorse and has 1 judge.
- (12) The twenty-seventh district consists of the cities of Wyandotte and Riverview, is a district of the third class, and is divided into the following election divisions:
- (a) The first division consists of the city of Wyandotte and has 1 judge.
- (b) The second division consists of the city of Riverview and has 1 judge.
- (13) The twenty-eighth district consists of the city of Southgate, is a district of the third class, and has 1 judge.
- (14) The twenty-ninth district consists of the city of Wayne, is a district of the third class, and has 1 judge.
- (15) The thirtieth district consists of the city of Highland Park, is a district of the third class, and has 2 judges.
- (16) The thirty-first district consists of the city of Hamtramck, is a district of the third class, and has 1 judge. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991. If a new office of judge is added to this district to be filled by election in 1990, the term of office of the judge for that election only shall be 4 years.
- (17) The thirty-second-a district consists of the city of Harper Woods, is a district of the third class, and has 1 judge.
- (18) The thirty-second-b district consists of the cities of Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and Grosse Pointe Farms, and the village of Grosse Pointe Shores, is a district of the third class, and has 1 judge. Subject to section 9940(6), this district may have 1 additional judge effective January 1, 1985, or January 1, 1987.
- (19) The thirty-third district consists of the cities of Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the townships of Brownstown and Grosse Ile in the county of Wayne, is a district of the third class, and has 2 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1995.
- (20) The thirty-fourth district consists of the townships of Sumpter, Van Buren, and Huron in the county of Wayne and the cities of Romulus and Belleville, is a district of the third class, and has 2 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991. If a new office of judge is added to this district to be filled by election in 1990, the term of office of the judge for that election only shall be 4 years.
- (21) The thirty-fifth district consists of the cities of Northville and Plymouth and the townships of Northville, Plymouth, and Canton in the county of Wayne, is a district of the third class, and has 2 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991.

Sec. 8123. (1) The forty-third district consists of the cities of Madison Heights, Ferndale, and Hazel Park, is a district of the third class, and has 3 judges. Subject to either section 8177 or 8178, this district shall be consolidated with the fifty-second district and become the fifth division effective January 2, 1991.

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

(3) The forty-fifth-a district consists of the city of Berkley, is a district of the third class, and has 1 judge. Subject to either section 8177 or 8178, this district shall be consolidated with the fifty-second district and become the sixth division effective January 2, 1991.

(4) The forty-fifth-b district consists of the cities of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in the county of Oakland, is a district of the third class, and has 2 judges. Subject to either section 8177 or 8178, this district shall be consolidated with the fifty-second district and become the seventh division effective January 1, 1991.

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

(6) The forty-seventh district consists of the cities of Farmington and Farmington Hills, is a district of the third class, and has 2 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991. If a new office of judge is added to this district to be filled by election in 1990, the term of office of the judge for that election only shall be 4 years.

(7) The forty-eighth district consists of the cities of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and Orchard Lake Village and the townships of Bloomfield and West Bloomfield in the county of Oakland, is a district of the third class, and has 3 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1993.

(8) The fiftieth district consists of the city of Pontiac, is a district of the third class, and has 4 judges.

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

(10) Except as otherwise provided by this subsection, the fifty-second district consists of the county of Oakland except the cities of Madison Heights, Ferndale, Hazel Park, Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge, Southfield, Lathrup Village, Farmington, Farmington Hills, Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village, Birmingham, Bloomfield Hills, and Pontiac and the townships of Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford, is a district of the second class, and is divided into the following election divisions:

(a) The first division consists of the cities of Novi, South Lyon, Wixom, and Walled Lake and the townships of Milford, Highland, Rose, White Lake, Commerce, Lyon, and Novi and has 3 judges. Subject to section 8175, this division may have 1 additional judge effective January 1, 1991.

(b) The second division consists of the townships of Springfield, Independence, Holly, Groveland, and Brandon and has 1 judge.

(c) The third division consists of the cities of Rochester, Auburn Hills, Rochester Hills, and Lake Angelus and the townships of Oxford, Addison, Orion, and Oakland and has 2 judges. Subject to section 8175, this division may have 1 additional judge effective January 2, 1989.

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

(e) Subject to either section 8177 or 8178, effective January 1, 1991, the fifth division shall consist of the cities of Madison Heights, Ferndale, and Hazel Park, and have 3 judges.

(f) Subject to either section 8177 or 8178, effective January 2, 1991, the sixth division shall consist of the city of Berkley, and have 1 judge.

(g) Subject to either section 8177 or 8178, effective January 2, 1991, the seventh division shall consist of the cities of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in the county of Oakland, and have 2 judges.

Sec. 8128. The fifty-eighth district consists of the county of Ottawa, is a district of the first class, and has 3 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991.

Sec. 8131. (1) The sixty-fourth-A district consists of the county of Ionia, is a district of the first class, and has 1 judge. Subject to section 8175, this district may have 1 additional judge effective January 1, 1993.

(2) The sixty-fourth-B district consists of the county of Montcalm, is a district of the first class, and has 1 judge.

Sec. 8147. The eighty-second district consists of the counties of Alcona, Oscoda, and Ogemaw, is a district of the first class, and has 1 judge. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991. If a new office of judge is added to this district to be filled by election in 1990, the term of office of the judge for that election only shall be 4 years.

Sec. 8152. The eighty-seventh district consists of the counties of Kalkaska, Antrim, and Otsego, is a district of the first class, and has 1 judge. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991. If a new office of judge is added to this district to be filled by election in 1990, the term of office of the judge for that election only shall be 4 years.

Sec. 8175. (1) The additional district judgeships permitted by this chapter shall not be authorized to be filled by election unless each district control unit of the district, by resolution adopted by the governing body of the district control unit, approves the creation of that judgeship and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the August primary for the election to fill the additional district judgeship. The state court administrator shall immediately notify the elections division of the department of state with respect to each new district judgeship authorized pursuant to this subsection.

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

(3) By permitting an additional judgeship, the legislature is not creating that judgeship. If a district control unit, acting through its governing body, approves the creation of an additional district judgeship, that approval constitutes an exercise of the district control unit's option to provide a new activity or service or to increase the level of activity or service offered in the district control unit beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the district control unit of all expenses and capital improvements which may result from the creation of the judgeship. However, the exercise of the option does not affect the state's obligation to pay the same portion of the additional judge's salary which is paid by the state to the other district judges in the same district, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(4) Each additional district judgeship created pursuant to subsection (1) shall be filled by election pursuant to the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The first term of each additional district judgeship shall be 6 years, unless the law permitting the additional judgeship provides for a term of a different length.

Sec. 8176. (1) If a new district is proposed by law, that new district shall not be created nor any district judgeship proposed for the district be authorized or filled by election unless each district control unit in the proposed district, by resolution adopted by the governing body of the district control unit, approves the creation of the new district and each judgeship proposed for the district and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the August primary immediately following the effective date of the amendatory act permitting the creation of the new district. The state court administrator shall immediately notify the elections division of the department of state with respect to each new judicial district and district judgeship authorized pursuant to this subsection.

(2) By proposing a new district and 1 or more district judgeships for the district, the legislature is not creating that district or any judgeship in the district. If a district control unit, acting through its governing body, approves the creation of a new district and 1 or more district judgeships proposed by law for that district, that approval constitutes an exercise of the district control unit's option to provide a new activity or service or to increase the level of activity or service offered in the district control unit beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the district control unit of all expenses and capital improvements which may result from the creation of the new district and each judgeship. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary which is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(3) Each district judgeship created pursuant to subsection (1) shall be filled by election pursuant to the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The first term of each district judgeship shall be 6 years, unless the law permitting the creation of the new district and 1 or more judgeships provides for a term of a different length.

Sec. 8177. (1) If it is proposed by law to consolidate a district of the third class into or with a district of the second class, that consolidation shall not take effect unless each district control unit in the district of the second class, and each district control unit in the district of the third class that contributes to the maintaining, financing, and operating of the district court in the district of the third class, by resolution adopted by the governing body of each of those district control units, approves the consolidation and unless the clerk of each district control unit adopting the resolution files a copy of the resolution with the state court administrator. The consolidation shall take effect upon a date agreed to by all district control units adopting the resolution but not less than 60 days after the last affected district control unit adopted its resolution. The state court administrator shall immediately notify the elections division of the department of state when a consolidation has been approved under this section and the date on which the consolidation will take effect. This subsection shall apply whether the consolidated district remains a district of the second class or the consolidation results in a district of the first class.

(2) By proposing or authorizing a consolidation of a district of the third class into or with a district of the second class, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by that district control unit of all expenses and capital improvements which may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary which is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(3) All full-time employees of the district court in the district of the third class shall be transferred to the district court in the consolidated district on the effective date of the consolidation. Except as provided in any agreement of consolidation by the affected district control units, salary, seniority rights, annual leave, sick leave, and retirement benefits of transferred employees shall be preserved and continued in their positions in the consolidated district in a manner not inferior to their prior status.

(4) On the effective date of the consolidation, each incumbent district judge in both districts shall serve as a district judge in the consolidated district. If an election division is created with the same boundaries as a district before consolidation, each judge from the former district shall be considered an incumbent in the new election division.

Sec. 8379. (1) Fines and costs assessed in the district court shall be paid to the clerk of the court who shall appropriate them as follows:

(a) A fine imposed for the violation of a penal law of this state and a civil fine ordered in a civil infraction action for violation of a law of this state shall be paid to the county treasurer and applied for library purposes as provided by law.

(b) In districts of the first and second class, costs imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state shall be paid to the treasurer of the county in which the action was commenced. In districts of the third class, costs imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state shall be paid to the treasurer of the political subdivision where the guilty plea or civil infraction admission was entered or where the trial or civil infraction action hearing took place.

(c) Except as provided in subsection (2), in districts of the first and second class, 1/3 of all fines and costs, other than those imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, shall be paid to the political subdivision whose law was violated and 2/3 shall be paid to the county in which the political subdivision is located. In districts of the third class, all fines and costs, other than those imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, shall be paid to the political subdivision whose law was violated, except that where fines and costs are assessed in a political subdivision other than the political subdivision whose law was violated, 2/3 shall be paid to the political subdivision where the guilty plea or civil infraction admission was entered or where the trial or civil infraction action hearing took place and the balance shall be paid to the political subdivision whose law was violated.

(d) In a district of the third class, if each political subdivision within the district, by resolution of its governing body, agrees to a distribution of fines and costs, other than fines imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, differently than as provided by this section, the distribution of those fines and costs among the political subdivisions of that district shall be as agreed to. An existing agreement applicable to the distribution of fines and costs shall apply with the same effect to the distribution of civil fines and costs ordered in civil infraction actions.

(2) In the fifty-second district, 30% of all fines and costs, other than those imposed for the violation of a penal law of this state or ordered in a civil infraction action for the violation of a law of this state, shall be paid to the political subdivision whose law was violated and 70% shall be paid to the county in which the political subdivision is located. This subsection shall apply only if the consolidation of the forty-fifth-b district with the fifty-second district, as provided in section 8123, takes place pursuant to section 8177.

Section 2. If a new judicial circuit of the circuit court is created under this amendatory act pursuant to section 550a, the change in the composition of the affected judicial circuits shall take effect for judicial purposes on January 1, 1991. If the fifty-sixth judicial circuit is created pursuant to this amendatory act, the incumbent judge of the fifth judicial circuit who resides in Eaton county shall become the judge of the fifty-sixth judicial circuit on January 1, 1991, and shall serve until the term for which he or she was elected in the fifth judicial circuit expires.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.. ..

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Governor.