

HOUSE BILL No. 5500

February 14, 1990, Introduced by Reps. Gubow, Gire, Ciaramitaro, Perry Bullard and DeBeaussaert and referred to the Committee on Judiciary.

A bill to amend sections 517, 521, 549, 550, 8113, 8121, 8123, 8128, 8131, 8147, 8152, and 8175 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 517 as amended by Act No. 129 of the Public Acts of 1980, section 550 as amended by Act No. 134 of the Public Acts of 1988, section 8121 as amended by Act No. 40 of the Public Acts of 1982 and sections 8123 and 8175 as amended by Act No. 135 of the Public Acts of 1988, being sections 600.517, 600.521, 600.549, 600.550, 600.8113, 600.8121, 600.8123, 600.8128, 600.8131, 600.8147, 600.8152, and 600.8175 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 517, 521, 549, 550, 8113, 8121, 8123,
2 8128, 8131, 8147, 8152, and 8175 of Act No. 236 of the Public
3 Acts of 1961, section 517 as amended by Act No. 129 of the Public

1 Acts of 1980, section 550 as amended by Act No. 134 of the Public
2 Acts of 1988, section 8121 as amended by Act No. 40 of the Public
3 Acts of 1982 and sections 8123 and 8175 as amended by Act No. 135
4 of the Public Acts of 1988, being sections 600.517, 600.521,
5 600.549, 600.550, 600.8113, 600.8121, 600.8123, 600.8128,
6 600.8131, 600.8147, 600.8152, and 600.8175 of the Michigan
7 Compiled Laws, are amended to read as follows:

8 Sec. 517. The sixteenth judicial circuit consists of the
9 county of Macomb and has 8 judges. Subject to section 550, this
10 circuit may have 1 additional judge effective January 1, 1981.
11 SUBJECT TO SECTION 550, THE SIXTEENTH JUDICIAL CIRCUIT MAY HAVE 1
12 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1991.

13 Sec. 521. The twentieth judicial circuit consists of the
14 county of Ottawa and has 2 judges. SUBJECT TO SECTION 550, THE
15 TWENTIETH JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE
16 JANUARY 1, 1993.

17 Sec. 549. The forty-eighth judicial circuit consists of the
18 county of Allegan and has 1 judge. SUBJECT TO SECTION 550, THE
19 FORTY-EIGHTH JUDICIAL CIRCUIT MAY HAVE 1 ADDITIONAL JUDGE EFFEC-
20 TIVE JANUARY 1, 1991.

21 Sec. 550. (1) An additional circuit judgeship permitted by
22 this chapter shall not be authorized to be filled by election
23 unless each county in the circuit, by resolution adopted by the
24 county board of commissioners, approves the creation of that
25 judgeship and unless the clerk of each county adopting such a
26 resolution files a copy of the resolution with the state court
27 administrator not later than 4 p.m. of the ~~thirteenth~~ SIXTEENTH

1 Tuesday preceding the August primary for the election to fill the
2 additional circuit judgeship. The state court administrator
3 shall immediately notify the elections division of the department
4 of state with respect to each new circuit judgeship authorized
5 pursuant to this subsection.

6 (2) A RESOLUTION APPROVING THE CREATION OF A JUDGESHIP UNDER
7 SUBSECTION (1) MAY BE FILED WITH THE STATE COURT OF ADMINISTRATOR
8 BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
9 THAT AUTHORIZED THAT JUDGESHIP, BUT A RESOLUTION THAT IS FILED
10 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AUTHORIZED A
11 JUDGESHIP IS VALID ONLY IF THE FILING OCCURS WITHIN THE 2-YEAR
12 STATE LEGISLATIVE SESSION DURING WHICH THE AMENDATORY ACT WAS
13 ENACTED.

14 (3) ~~-(2)-~~ By permitting an additional judgeship, the legis-
15 lature is not creating that judgeship. If a county, acting
16 through its board of commissioners, approves the creation of an
17 additional circuit judgeship, that approval constitutes an exer-
18 cise of the county's option to provide a new activity or service
19 or to increase the level of activity or service offered in the
20 county beyond that required by existing law, as the elements of
21 that option are defined by Act No. 101 of the Public Acts of
22 1979, being sections 21.231 to 21.244 of the Michigan Compiled
23 Laws, and a voluntary acceptance by the county of all expenses
24 and capital improvements which may result from the creation of
25 the judgeship. However, the exercise of the option does not
26 affect the state's obligation to pay the same portion of the
27 additional judge's salary which is paid by the state to the other

1 judges of the same circuit, or to appropriate and disburse funds
2 to the county for the necessary costs of state requirements
3 established by a state law which becomes effective on or after
4 December 23, 1978.

5 (4) ~~(3)~~ Each additional circuit judgeship created pursuant
6 to subsection (1) shall be filled by election pursuant to the
7 Michigan election law, Act No. 116 of the Public Acts of 1954, as
8 amended, being sections 168.1 to 168.992 of the Michigan Compiled
9 Laws. The first term of each additional circuit judgeship shall
10 be 6 years, unless the law permitting the additional judgeship
11 provides for a term of a different length.

12 Sec. 8113. The third district consists of the counties of
13 St. Joseph and Branch, is a district of the first class and is
14 divided into the following election divisions:

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

17 (b) The second division consists of the county of St.
18 Joseph and has 1 judge. SUBJECT TO SECTION 8175, THIS DIVISION
19 MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1991. IF A NEW
20 OFFICE OF JUDGE IS ADDED TO THIS DISTRICT TO BE FILLED BY ELEC-
21 TION IN 1990, THE TERM OF OFFICE OF THE JUDGE FOR THAT ELECTION
22 ONLY SHALL BE 4 YEARS.

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

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

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

3 (4) The nineteenth district consists of the city of
4 Dearborn, is a district of the third class, and has 2 judges.
5 SUBJECT TO SECTION 8175, THIS DISTRICT MAY HAVE 2 ADDITIONAL
6 JUDGES EFFECTIVE JANUARY 1, 1991.

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

9 (6) The twenty-first district consists of the city of Garden
10 City, is a district of the third class, and has 1 judge.

11 (7) The twenty-second district consists of the city of
12 Inkster, is a district of the third class, and has 1 judge.

13 (8) The twenty-third district consists of the city of
14 Taylor, is a district of the third class, and has 2 judges.

15 (9) The twenty-fourth district consists of the cities of
16 Allen Park and Melvindale, is a district of the third class, and
17 has 2 judges.

18 (10) The twenty-fifth district consists of the city of
19 Lincoln Park, is a district of the third class, and has 2
20 judges.

21 (11) The twenty-sixth district consists of the cities of
22 River Rouge and Ecorse, is a district of the third class, and is
23 divided into the following election divisions:

24 (a) The first division consists of the city of River Rouge
25 and has 1 judge.

26 (b) The second division consists of the city of Ecorse and
27 has 1 judge.

1 (12) The twenty-seventh district consists of the cities of
2 Wyandotte and Riverview, is a district of the third class, and is
3 divided into the following election divisions:

4 (a) The first division consists of the city of Wyandotte and
5 has 1 judge.

6 (b) The second division consists of the city of Riverview
7 and has 1 judge.

8 (13) The twenty-eighth district consists of the city of
9 Southgate, is a district of the third class, and has 1 judge.

10 (14) The twenty-ninth district consists of the city of
11 Wayne, is a district of the third class, and has 1 judge.

12 (15) The thirtieth district consists of the city of Highland
13 Park, is a district of the third class, and has 2 judges.

14 (16) The thirty-first district consists of the city of
15 Hamtramck, is a district of the third class, and has 1 judge.

16 SUBJECT TO SECTION 8175, THIS DISTRICT MAY HAVE 1 ADDITIONAL
17 JUDGE EFFECTIVE JANUARY 1, 1991. IF A NEW OFFICE OF JUDGE IS
18 ADDED TO THIS DISTRICT TO BE FILLED BY ELECTION IN 1990, THE TERM
19 OF OFFICE OF THE JUDGE FOR THAT ELECTION ONLY SHALL BE 4 YEARS.

20 (17) The thirty-second-a district consists of the city of
21 Harper Woods, is a district of the third class, and has 1 judge.

22 (18) The thirty-second-b district consists of the cities of
23 Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and
24 Grosse Pointe Farms, and the village of Grosse Pointe Shores, is
25 a district of the third class, and has 1 judge. Subject to sec-
26 tion 9940(6), this district may have 1 additional judge effective
27 January 1, 1985, or January 1, 1987.

1 (19) The thirty-third district consists of the cities of
2 Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the
3 townships of Brownstown and Grosse Ile in the county of Wayne, is
4 a district of the third class, and has 2 judges.

5 (20) The thirty-fourth district consists of the townships of
6 Sumpter, Van Buren, and Huron in the county of Wayne and the
7 cities of Romulus and Belleville, is a district of the third
8 class, and has 2 judges. SUBJECT TO SECTION 8175, THIS DISTRICT
9 MAY HAVE⁰ 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1991. IF A NEW
10 OFFICE OF JUDGE IS ADDED TO THIS DISTRICT TO BE FILLED BY ELEC-
11 TION IN 1990, THE TERM OF OFFICE OF THE JUDGE FOR THAT ELECTION
12 ONLY SHALL BE 4 YEARS.

13 (21) The thirty-fifth district consists of the cities of
14 Northville and Plymouth and the townships of Northville,
15 Plymouth, and Canton in the county of Wayne, is a district of the
16 third class, and has 2 judges. SUBJECT TO SECTION 8175, THIS
17 DISTRICT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1991.

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

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

26 (3) The forty-fifth-a district consists of the city of
27 Berkley, is a district of the third class, and has 1 judge.

1 Subject to either section 8177 or 8178, this district shall be
2 consolidated with the fifty-second district and become the sixth
3 division effective January 2, 1991.

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

10 (5) The forty-sixth district consists of the cities of
11 Southfield and Lathrup Village and the township of Southfield in
12 the county of Oakland, is a district of the third class, and has
13 3 judges.

14 (6) The forty-seventh district consists of the cities of
15 Farmington and Farmington Hills, is a district of the third
16 class, and has 2 judges. SUBJECT TO SECTION 8175, THIS DISTRICT
17 MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1991. IF A NEW
18 OFFICE OF JUDGE IS ADDED TO THIS DISTRICT TO BE FILLED BY ELEC-
19 TION IN 1990, THE TERM OF OFFICE OF THE JUDGE FOR THAT ELECTION
20 ONLY SHALL BE 4 YEARS.

21 (7) The forty-eighth district consists of the cities of
22 Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and
23 Orchard Lake Village and the townships of Bloomfield and West
24 Bloomfield in the county of Oakland, is a district of the third
25 class, and has 3 judges. Subject to either section 8177 or 8178,
26 this district shall be consolidated with the fifty-second

1 district and become the eighth division effective January 2,
2 1991.

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

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

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

18 (a) The first division consists of the cities of Novi, South
19 Lyon, Wixom, and Walled Lake and the townships of Milford,
20 Highland, Rose, White Lake, Commerce, Lyon, and Novi and has 3
21 judges.

22 (b) The second division consists of the townships of
23 Springfield, Independence, Holly, Groveland, and Brandon and has
24 1 judge.

25 (c) The third division consists of the cities of Rochester,
26 Auburn Hills, Rochester Hills, and Lake Angelus and the townships
27 of Oxford, Addison, Orion, and Oakland and has 2 judges. Subject

1 to section 8175, this division may have 1 additional judge
2 effective January 2, 1989.

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

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

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

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

15 (h) Subject to either section 8177 or 8178, effective
16 January 2, 1991, the eighth division shall consist of the cities
17 of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and
18 Orchard Lake Village and the townships of Bloomfield and West
19 Bloomfield in the county of Oakland, and have 3 judges.

20 Sec. 8128. The fifty-eighth district consists of the county
21 of Ottawa, is a district of the first class and has 3 judges.

22 SUBJECT TO SECTION 8175, THIS DISTRICT MAY HAVE 1 ADDITIONAL
23 JUDGE EFFECTIVE JANUARY 1, 1991.

24 Sec. 8131. (1) The sixty-fourth-A district consists of the
25 county of Ionia, is a district of the first class and has 1
26 judge. SUBJECT TO SECTION 8175, THIS DISTRICT MAY HAVE 1
27 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1991. IF A NEW OFFICE OF

1 JUDGE IS ADDED TO THIS DISTRICT TO BE FILLED BY ELECTION IN 1990,
2 THE TERM OF OFFICE OF THE JUDGE FOR THAT ELECTION ONLY SHALL BE 4
3 YEARS.

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

6 Sec. 8147. The eighty-second district consists of the coun-
7 ties of Alcona, Oscoda, and Ogemaw, is a district of the first
8 class, and has 1 judge. SUBJECT TO SECTION 8175, THIS DISTRICT
9 MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1991. IF A NEW
10 OFFICE OF JUDGE IS ADDED TO THIS DISTRICT TO BE FILLED BY ELEC-
11 TION IN 1990, THE TERM OF OFFICE OF THE JUDGE FOR THAT ELECTION
12 ONLY SHALL BE 4 YEARS.

13 Sec. 8152. The eighty-seventh district consists of the
14 counties of Kalkaska, Antrim, and Otsego, is a district of the
15 first class, and has 1 judge. SUBJECT TO SECTION 8175, THIS DIS-
16 TRICT MAY HAVE 1 ADDITIONAL JUDGE EFFECTIVE JANUARY 1, 1993. IF
17 A NEW OFFICE OF JUDGE IS ADDED TO THIS DISTRICT TO BE FILLED BY
18 ELECTION IN 1990, THE TERM OF OFFICE OF THE JUDGE FOR THAT ELEC-
19 TION ONLY SHALL BE 4 YEARS.

20 Sec. 8175. (1) The additional district judgeships permitted
21 by this chapter shall not be authorized to be filled by election
22 unless each district control unit of the district, by resolution
23 adopted by the governing body of the district control unit,
24 approves the creation of that judgeship and unless the clerk of
25 each district control unit adopting such a resolution files a
26 copy of the resolution with the state court administrator not
27 later than 4 p.m. of the ~~thirteenth~~ SIXTEENTH Tuesday preceding

1 the August primary for the election to fill the additional
2 district judgeship. The state court administrator shall immedi-
3 ately notify the elections division of the department of state
4 with respect to each new district judgeship authorized pursuant
5 to this subsection.

6 (2) A RESOLUTION APPROVING THE CREATION OF A JUDGESHIP UNDER
7 SUBSECTION (1) MAY BE FILED WITH THE STATE COURT ADMINISTRATOR
8 BEFORE, ON, OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
9 THAT AUTHORIZED THAT JUDGESHIP, BUT A RESOLUTION THAT IS FILED
10 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT AUTHORIZED A
11 JUDGESHIP IS VALID ONLY IF THE FILING OCCURS WITHIN THE 2-YEAR
12 STATE LEGISLATIVE SESSION DURING WHICH THE AMENDATORY ACT WAS
13 ENACTED.

14 (3) ~~-(2)-~~ By permitting an additional judgeship, the legis-
15 lature is not creating that judgeship. If a district control
16 unit, acting through its governing body, approves the creation of
17 an additional district judgeship, that approval constitutes an
18 exercise of the district control unit's option to provide a new
19 activity or service or to increase the level of activity or serv-
20 ice offered in the district control unit beyond that required by
21 existing law, as the elements of that option are defined by Act
22 No. 101 of the Public Acts of 1979, being sections 21.231 to
23 21.244 of the Michigan Compiled Laws, and a voluntary acceptance
24 by the district control unit of all expenses and capital improve-
25 ments which may result from the creation of the judgeship.
26 However, the exercise of the option does not affect the state's
27 obligation to pay the same portion of the additional judge's

1 salary which is paid by the state to the other district judges in
2 the same district, or to appropriate and disburse funds to the
3 district control unit for the necessary costs of state require-
4 ments established by a state law which becomes effective on or
5 after December 23, 1978.

6 (4) ~~(3)~~ Each additional district judgeship created pursu-
7 ant to subsection (1) shall be filled by election pursuant to the
8 Michigan election law, Act No. 116 of the Public Acts of 1954, as
9 amended, being sections 168.1 to 168.992 of the Michigan Compiled
10 Laws. The first term of each additional district judgeship shall
11 be 6 years, unless the law permitting the additional judgeship
12 provides for a term of a different length.