

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5674**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 512, 524, 527, 535, 549b, 549e, 550a, 821, 821a, 822, 8143, 8144, 8146, 8147, 8148, 8152, and 8176, (MCL 600.512, 600.524, 600.527, 600.535, 600.549b, 600.549e, 600.550a, 600.821, 600.821a, 600.822, 600.8143, 600.8144, 600.8146, 600.8147, 600.8148, 600.8152, and 600.8176), sections 535, 550a, and 8147 as amended by 1990 PA 54, section 549e as added by 1980 PA 129, section 821 as amended by 1998 PA 298, section 821a as added by 1998 PA 100, section 822 as amended by 1998 PA 313, section 8152 as amended by 2000 PA 38, and section 8176 as amended by 1994 PA 138, and by adding section 810a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 512. The eleventh judicial circuit consists of the
2 counties of Alger, Luce, and Schoolcraft and has 1 judge.
3 BEGINNING APRIL 1, 2003, THE ELEVENTH JUDICIAL CIRCUIT COURT CON-
4 SISTS OF THE COUNTIES OF ALGER, LUCE, MACKINAC, AND SCHOOLCRAFT
5 AND HAS 1 JUDGE.

6 Sec. 524. ~~Until January 1, 1981, the twenty-third judi-~~
7 ~~cial circuit consists of the counties of Alcona, Iosco, and~~
8 ~~Oscoda and has 1 judge. Commencing January 1, 1981, the~~ THE
9 twenty-third judicial circuit consists of the counties of Iosco
10 and Oscoda and has 1 judge. BEGINNING APRIL 1, 2003, THE
11 TWENTY-THIRD JUDICIAL CIRCUIT CONSISTS OF THE COUNTIES OF ALCONA,
12 ARENAC, IOSCO, AND OSCODA AND HAS 2 JUDGES. THE ADDITIONAL
13 JUDGESHIP IN THIS CIRCUIT SHALL BE FILLED BY THE INCUMBENT CIR-
14 CUIT JUDGE OF THE THIRTY-FOURTH CIRCUIT RESIDING IN ARENAC COUNTY
15 WITH A TERM ENDING JANUARY 1, 2009, WHO SHALL SERVE AS A JUDGE OF
16 THE TWENTY-THIRD CIRCUIT FOR THE BALANCE OF THE TERM TO WHICH HE
17 OR SHE WAS ELECTED OR APPOINTED. FOR PURPOSES OF THE NOVEMBER
18 2008 GENERAL ELECTION ONLY, THE TERM OF THE CANDIDATE FOR CIRCUIT
19 JUDGE IN THIS CIRCUIT WHO RECEIVES THE HIGHEST NUMBER OF VOTES
20 SHALL BE 8 YEARS, AND THE TERM OF THE CANDIDATE RECEIVING THE
21 SECOND HIGHEST NUMBER OF VOTES SHALL BE 6 YEARS.

22 Sec. 527. ~~Until January 1, 1981, the twenty-sixth judi-~~
23 ~~cial circuit consists of the counties of Alpena, Cheboygan,~~
24 ~~Montmorency, and Presque Isle and has 2 judges. Commencing~~
25 ~~January 1, 1981, the~~ THE twenty-sixth judicial circuit consists
26 of the counties of Alpena, Alcona, Montmorency, and Presque Isle
27 and has 2 judges. BEGINNING APRIL 1, 2003, THE TWENTY-SIXTH

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1 JUDICIAL CIRCUIT CONSISTS OF THE COUNTIES OF ALPENA AND
2 MONTMORENCY. THIS CIRCUIT SHALL HAVE 1 JUDGE BEGINNING ON THE
3 EARLIER OF THE FOLLOWING DATES:

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

6 (B) TWELVE NOON, JANUARY 1, 2005.

7 Sec. 535. The thirty-fourth judicial circuit consists of
8 the counties of Arenac, Ogemaw, and Roscommon and has ~~1 judge.~~
9 ~~Subject to section 550, the thirty-fourth judicial circuit may~~
10 ~~have 1 additional judge effective January 1, 1991. If a new~~
11 ~~office of judge is added to this circuit to be filled by election~~
12 ~~in 1990, the term of office of the judge for that election only~~
13 ~~shall be 8 years.~~ 2 JUDGES. BEGINNING APRIL 1, 2003, THE
14 THIRTY-FOURTH JUDICIAL CIRCUIT CONSISTS OF THE COUNTIES OF OGEMAW
15 AND ROSCOMMON AND HAS 1 JUDGE.

16 Sec. 549b. The fiftieth judicial circuit consists of the
17 counties of Chippewa and Mackinac and has 1 judge. BEGINNING
18 APRIL 1, 2003, THE FIFTIETH JUDICIAL CIRCUIT CONSISTS OF THE
19 COUNTY OF CHIPPEWA AND HAS 1 JUDGE.

20 Sec. 549e. ~~Subject to section 550a, the~~ THE fifty-third
21 judicial circuit consists of the county of Cheboygan and has 1
22 judge. BEGINNING APRIL 1, 2003, THE FIFTY-THIRD JUDICIAL CIRCUIT
23 CONSISTS OF THE COUNTIES OF CHEBOYGAN AND PRESQUE ISLE AND HAS 1
24 JUDGE.

25 Sec. 550a. (1) If a new judicial circuit is proposed by
26 law, that new circuit shall not be created ~~nor~~ AND any circuit
27 judgeship proposed for the circuit SHALL NOT be authorized or

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1 filled by election unless each county in the proposed circuit, by
2 resolution adopted by the county board of commissioners, approves
3 the creation of the new circuit and each judgeship proposed for
4 the circuit and unless the clerk of each county adopting ~~such a~~
5 THAT resolution files a copy of the resolution with the state
6 court administrator not later than 4 p.m. of the sixteenth
7 Tuesday preceding the August primary immediately following the
8 effective date of the amendatory act permitting the creation of
9 the new circuit. The state court administrator shall immediately
10 notify the elections division of the department of state with
11 respect to each new judicial circuit and circuit judgeship autho-
12 rized pursuant to this subsection.

13 (2) By proposing a new judicial circuit and 1 or more cir-
14 cuit judgeships for the circuit, the legislature is not creating
15 that circuit or any judgeship in the circuit. If a county,
16 acting through its board of commissioners, approves the creation
17 of a new circuit and 1 or more circuit judgeships proposed by law
18 for that circuit, that approval constitutes an exercise of the
19 county's option to provide a new activity or service or to
20 increase the level of activity or service offered in the county
21 beyond that required by existing law, as the elements of that
22 option are defined by ~~Act No. 101 of the Public Acts of 1979,~~
23 ~~being sections 21.231 to 21.244 of the Michigan Compiled Laws,~~
24 1979 PA 101, MCL 21.231 TO 21.244, and a voluntary acceptance by
25 the county of all expenses and capital improvements which may
26 result from the creation of the new circuit and each judgeship.
27 However, the exercise of the option does not affect the state's

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1 obligation to pay a portion of the circuit judge's or judges'
2 salary as provided by law, or to appropriate and disburse funds
3 to the county for the necessary costs of state requirements
4 established by a state law which becomes effective on or after
5 December 23, 1978.

6 (3) Each circuit judgeship created pursuant to subsection
7 (1) shall be filled by election pursuant to ~~Act No. 116 of the~~
8 ~~Public Acts of 1954, as amended, being sections 168.1 to 168.992~~
9 ~~of the Michigan Compiled Laws~~ THE MICHIGAN ELECTION LAW, 1954 PA
10 116, MCL 168.1 TO 168.992. The first term of each circuit judge-
11 ship shall be 6 years, unless the law permitting the creation of
12 the new circuit and 1 or more judgeships provides for a term of a
13 different length.

14 (4) THE REFORMATION OF THE ELEVENTH, TWENTY-THIRD,
15 TWENTY-SIXTH, THIRTY-FOURTH, FIFTIETH, AND FIFTY-THIRD JUDICIAL
16 CIRCUITS PURSUANT TO THE 2002 AMENDATORY ACT THAT ADDED THIS SUB-
17 SECTION DOES NOT REQUIRE THE APPROVAL OF THE COUNTY BOARD OF COM-
18 MISSIONERS UNDER THIS SECTION OR SECTION 550.

19 SEC. 810A. THE PROBATE JUDGES IN THE COUNTIES OF ARENAC, KALKASKA
20 AND
21 CRAWFORD HAVE THE POWER, AUTHORITY, AND TITLE OF A DISTRICT JUDGE
22 WITHIN THEIR RESPECTIVE COUNTIES, IN ADDITION TO THE POWER,
23 AUTHORITY, AND TITLE OF A PROBATE JUDGE.

24 Sec. 821. (1) The following probate judges shall not engage
25 in the practice of law other than as a judge and shall receive,
26 subject to subsection ~~(7)~~ (6), an annual salary provided in
this section:

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1 (a) A probate judge of a county that is not part of a
2 proposed probate court district described in section 807.

3 (b) The probate judge in each probate court district in
4 which a majority of the electors voting on the question in each
5 county of probate court district has approved or approves cre-
6 ation of the district.

7 (c) A probate judge in a county having a population of
8 15,000 or more according to the 1990 federal decennial census, if
9 the county is not part of a probate court district created pursu-
10 ant to law.

11 ~~(2) Until the salary of a justice of the supreme court~~
12 ~~exceeds \$128,538.00, each probate judge shall receive an annual~~
13 ~~salary of \$109,257.00 determined as follows:~~

14 ~~(a) A minimum annual salary of \$63,533.00.~~

15 ~~(b) An additional salary of \$45,724.00 paid by the county or~~
16 ~~by the counties comprising a probate court district. If a pro-~~
17 ~~bate judge receives a total additional salary of \$45,724.00 from~~
18 ~~the county, or from the counties comprising a probate court dis-~~
19 ~~trict, and does not receive less than or more than \$45,724.00,~~
20 ~~including any cost-of-living allowance, the state shall reimburse~~
21 ~~the county or counties the amount that the county or counties~~
22 ~~have paid to the judge.~~

23 (D) A PROBATE JUDGE DESCRIBED IN SECTION 810A.

24 (2) ~~(3) If the salary of a justice of the supreme court~~
25 ~~exceeds \$128,538.00, each~~ EACH probate judge shall receive an
26 annual salary determined as follows:

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1 (a) A minimum annual salary of the difference between 85% of
2 the salary of a justice of the supreme court and \$45,724.00.

3 (b) An additional salary of \$45,724.00 paid by the county or
4 by the counties comprising a probate court district. If a pro-
5 bate judge receives a total additional salary of \$45,724.00 from
6 the county, or from the counties comprising a probate court dis-
7 trict, and does not receive less than or more than \$45,724.00,
8 including any cost-of-living allowance, the state shall reimburse
9 the county or counties the amount that the county or counties
10 have paid to the judge.

11 (3) ~~(4)~~ Six thousand dollars of the minimum annual salary
12 provided in subsection (2) ~~, (3), or (4)~~ shall be paid by the
13 county, or by the counties comprising a probate court district,
14 and the balance of that minimum annual salary shall be paid by
15 the state as a grant to the county or the counties comprising the
16 probate court district. The county, or the counties comprising
17 the probate court district, shall in turn pay that amount to the
18 probate judge. Beginning January 1, 1997, the state shall annu-
19 ally reimburse the county or counties \$6,000.00 for each probate
20 judge to offset the cost of the county or counties required by
21 this section.

22 (4) ~~(5)~~ The salary provided in this section is full com-
23 pensation for all services performed by a probate judge, except
24 as otherwise provided by law. In a probate court district, each
25 county of the district shall contribute to the salary in the same
26 proportion as the population of the county bears to the
27 population of the district.

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1 (5) ~~-(6)-~~ An additional salary determined by the county
2 board of commissioners may be increased during a term of office
3 but shall not be decreased except to the extent of a general
4 salary reduction in all other branches of government in the
5 county. In a county where an additional salary is granted, it
6 shall be paid at the same rate to all probate judges regularly
7 holding court in the county.

8 (6) ~~-(7)-~~ An increase in the amount of salary payable to a
9 judge under subsection (1) caused by an increase in the salary
10 payable to a justice of the supreme court resulting from the
11 operation of 1968 PA 357, MCL 15.211 to 15.218, is not effective
12 until February 1 of the year in which the increase in the salary
13 of a justice of the supreme court becomes effective. If an
14 increase in salary becomes effective on February 1 of a year in
15 which an increase in the salary of a justice of the supreme court
16 becomes effective, the increase is retroactive to January 1 of
17 that year.

18 Sec. 821a. In addition to the reimbursement under section
19 821(2)(b) ~~or (3)(b)~~ to a county or to counties for amounts paid
20 for probate judges' salaries, the state shall reimburse the
21 county or counties for amounts paid as the employer's share for
22 probate judges' federal social security and medicare taxes.

23 Sec. 822. (1) ~~The probate judge of a county having a popu-~~
24 ~~lation of less than 15,000 according to the 1990 federal decen-~~
25 ~~nal census and comprising part of a proposed probate court dis-~~
26 ~~trict in which the electors of 1 or more counties of the probate~~
27 ~~court district did not approve the probate court district~~ A

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1 PROBATE JUDGE NOT DESCRIBED IN SECTION 821 shall receive an
2 annual salary of \$20,000.00. Six thousand dollars of the minimum
3 annual salary provided by this subsection shall be paid by the
4 county and the balance of the minimum annual salary shall be paid
5 by the state as a grant to the county. The county shall, in
6 turn, pay that amount to the probate judge.

7 (2) The annual salary provided in subsection (1) may be
8 increased but shall not be decreased during the term for which
9 the probate judge has been elected or appointed. This salary is
10 in full compensation for all services performed by the person as
11 probate judge, except as otherwise provided by law. A probate
12 judge whose annual salary is provided in subsection (1) shall not
13 represent a party in a contested proceeding in the probate court
14 of this state.

15 (3) In addition to the salary provided in subsection (1), a
16 probate judge may receive from the county in which he or she reg-
17 ularly holds court an additional salary of not more than
18 \$43,000.00, as determined by the county board of commissioners.
19 The additional salary may be increased during a term of office
20 but shall not be decreased except to the extent of a general
21 salary reduction in all other branches of government in the
22 county.

23 (4) The total annual salary of a probate judge, including
24 the salary provided in subsection (1) and any additional salary
25 granted by the county under subsection (3), shall not exceed
26 \$63,000.00.

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1 (5) From funds appropriated to the judiciary, the state
2 shall pay to a county described in subsection (1) a state salary
3 standardization payment of \$5,750.00 for each probate judge and
4 an additional payment of \$6,000.00 for each probate judge to
5 offset the portion of minimum annual salary paid by the county.

6 Sec. 8143. The seventy-eighth district consists of the
7 counties of Newaygo and Lake, is a district of the first class,
8 and has 1 judge. BEGINNING APRIL 1, 2003, THE SEVENTY-EIGHTH
9 DISTRICT CONSISTS OF THE COUNTIES OF NEWAYGO AND OCEANA, IS A
10 DISTRICT OF THE FIRST CLASS, AND HAS 1 JUDGE.

11 Sec. 8144. The seventy-ninth district consists of the coun-
12 ties of Oceana and Mason, is a district of the first class, and
13 has 1 judge. BEGINNING APRIL 1, 2003, THE SEVENTY-NINTH DISTRICT
14 CONSISTS OF THE COUNTIES OF LAKE AND MASON, IS A DISTRICT OF THE
15 FIRST CLASS, AND HAS 1 JUDGE.

16 Sec. 8146. The eighty-first district consists of the coun-
17 ties of Iosco and Arenac, is a district of the first class, and
18 has 1 judge. BEGINNING APRIL 1, 2003, THE EIGHTY-FIRST DISTRICT
19 CONSISTS OF THE COUNTIES OF ALCONA, ARENAC, IOSCO, AND OSCODA, IS
20 A DISTRICT OF THE FIRST CLASS, AND HAS 1 JUDGE.

21 Sec. 8147. The eighty-second district consists of the coun-
22 ties of Alcona, Oscoda, and Ogemaw, is a district of the first
23 class, and has 1 judge. ~~Subject to section 8175, this district~~
24 ~~may have 1 additional judge effective January 1, 1991. If a new~~
25 ~~office of judge is added to this district to be filled by elec-~~
26 ~~tion in 1990, the term of office of the judge for that election~~
27 ~~only shall be 4 years.~~ BEGINNING APRIL 1, 2003, THE

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1 EIGHTY-SECOND DISTRICT CONSISTS OF THE COUNTY OF OGEMAW, IS A
2 DISTRICT OF THE FIRST CLASS, AND HAS 1 JUDGE.

3 Sec. 8148. The eighty-third district consists of the coun-
4 ties of Roscommon and Crawford, is a district of the first class,
5 and has 1 judge. BEGINNING APRIL 1, 2003, THE EIGHTY-THIRD DIS-
6 TRICT CONSISTS OF THE COUNTY OF ROSCOMMON, IS A DISTRICT OF THE
7 FIRST CLASS, AND HAS 1 JUDGE.

8 Sec. 8152. ~~(1) Except as provided in subsection (2), the~~
9 ~~eighty-seventh district consists of the counties of Kalkaska,~~
10 ~~Antrim, and Otsego, is a district of the first class, and has 2~~
11 ~~judges.~~

12 ~~(2) Effective March 26, 2000, the~~ THE eighty-seventh dis-
13 trict consists of the counties of Kalkaska and Otsego, is a dis-
14 trict of the first class, and has 1 judge. EFFECTIVE APRIL 1,
15 2003, THE EIGHTY-SEVENTH DISTRICT CONSISTS OF THE COUNTIES OF
16 CRAWFORD, KALKASKA, AND OTSEGO, IS A DISTRICT OF THE FIRST CLASS,
17 AND HAS 1 JUDGE.

18 Sec. 8176. (1) If a new district is proposed by law, that
19 new district shall not be created ~~nor~~ AND any district judge-
20 ship proposed for the district SHALL NOT be authorized or filled
21 by election unless each district control unit in the proposed
22 district, by resolution adopted by the governing body of the dis-
23 trict control unit, approves the creation of the new district and
24 each judgeship proposed for the district and unless the clerk of
25 each district control unit adopting ~~such a~~ THAT resolution
26 files a copy of the resolution with the state court administrator
27 not later than 4 p.m. of the sixteenth Tuesday preceding the

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1 August primary for the election immediately preceding the
2 effective date of the new district. The state court administra-
3 tor shall immediately notify the elections division of the
4 department of state with respect to each new judicial district
5 and district judgeship authorized pursuant to this subsection.

6 (2) A resolution required under subsection (1) that is filed
7 before the effective date of the amendatory act that authorized
8 that new district is a valid approval for purposes of this sec-
9 tion only if the filing occurs within the 2-year state legisla-
10 tive session during which the amendatory act was enacted. A res-
11 olution required under subsection (1) that is filed after the
12 effective date of the amendatory act that authorized that new
13 district is a valid approval for purposes of this section only if
14 the filing occurs not later than 4 p.m. of the sixteenth Tuesday
15 preceding the August primary for the election immediately preced-
16 ing the effective date of the new district.

17 (3) By proposing a new district and 1 or more district
18 judgeships for the district, the legislature is not creating that
19 district or any judgeship in the district. If a district control
20 unit, acting through its governing body, approves the creation of
21 a new district and 1 or more district judgeships proposed by law
22 for that district, that approval constitutes an exercise of the
23 district control unit's option to provide a new activity or serv-
24 ice or to increase the level of activity or service offered in
25 the district control unit beyond that required by existing law,
26 as the elements of that option are defined by ~~Act No. 101 of the~~
27 ~~Public Acts of 1979, being sections 21.231 to 21.244 of the~~

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1 ~~Michigan Compiled Laws~~ 1979 PA 101, MCL 21.231 TO 21.244, and a
2 voluntary acceptance by the district control unit of all expenses
3 and capital improvements which may result from the creation of
4 the new district and each judgeship. However, the exercise of
5 the option does not affect the state's obligation to pay the same
6 portion of each judge's salary which is paid by the state to
7 other district judges as provided by law, or to appropriate and
8 disburse funds to the district control unit for the necessary
9 costs of state requirements established by a state law which
10 becomes effective on or after December 23, 1978.

11 (4) Each district judgeship created pursuant to subsection
12 (1) shall be filled by election pursuant to the Michigan election
13 law, ~~Act No. 116 of the Public Acts of 1954, being sections~~
14 ~~168.1 to 168.992 of the Michigan Compiled Laws~~ 1954 PA 116, MCL
15 168.1 TO 168.992. The first term of each district judgeship
16 shall be 6 years, unless the law permitting the creation of the
17 new district and 1 or more judgeships provides for a term of a
18 different length.

19 (5) THE REFORMATION OF THE SEVENTY-EIGHTH, SEVENTY-NINTH,
20 EIGHTY-FIRST, EIGHTY-SECOND, EIGHTY-THIRD, AND EIGHTY-SEVENTH
21 JUDICIAL DISTRICTS PURSUANT TO THE 2002 AMENDATORY ACT THAT ADDED
22 THIS SUBSECTION DOES NOT REQUIRE THE APPROVAL OF THE DISTRICT
23 CONTROL UNIT UNDER THIS SECTION OR SECTION 8175.

24 Enacting section 1. Section 9948 of the revised judicature
25 act of 1961, 1961 PA 236, MCL 600.9948, is repealed.