

# HOUSE BILL No. 5458

September 23, 2009, Introduced by Reps. Switalski, Miller, Meadows, Haase, Hammel, Haugh, Kandrevas and Roberts and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 507, 511, 517, 519, 521, 531, 532, 549, and  
550 (MCL 600.507, 600.511, 600.517, 600.519, 600.521, 600.531,  
600.532, 600.549, and 600.550), section 507 as amended by 2006 PA  
607, section 517 as amended by 2006 PA 101, section 521 as amended  
by 2001 PA 256, and sections 549 and 550 as amended by 1990 PA 54,  
and by adding section 550b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 507. (1) The sixth judicial circuit consists of the  
2 county of Oakland and, **EXCEPT AS PROVIDED IN SUBSECTION (2)**, has 19  
3 judges. ~~Subject to section 550, this judicial circuit may have 1~~  
4 ~~additional judge effective January 1, 2009.~~

5       (2) **SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 18 JUDGES**

1 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
2 NOON, JANUARY 1, 2013. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
3 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
4 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
5 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
6 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

7 Sec. 511. (1) The tenth judicial circuit consists of the  
8 county of Saginaw and, EXCEPT AS PROVIDED IN SUBSECTION (2), has 5  
9 judges.

10 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 4 JUDGES  
11 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
12 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
13 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
14 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
15 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
16 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

17 Sec. 517. (1) The sixteenth judicial circuit consists of the  
18 county of Macomb and, EXCEPT AS PROVIDED IN SUBSECTION (2), has ~~12~~  
19 ~~13 judges. Subject to section 550, this circuit may have 1~~  
20 ~~additional judge effective January 1, 2007.~~

21 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 11 JUDGES  
22 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
23 NOON, JANUARY 1, 2015. THE 2 JUDGESHIPS TEMPORARILY ELIMINATED FROM  
24 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
25 2015 SHALL BE THE JUDGESHIPS OF THOSE JUDGES WHO ARE NOT ELIGIBLE  
26 TO RUN FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE  
27 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

1       Sec. 519. (1) The eighteenth judicial circuit consists of the  
2 county of Bay and, **EXCEPT AS PROVIDED IN SUBSECTION (2)**, has 3  
3 judges.

4       (2) **SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 2 JUDGES**  
5 **DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12**  
6 **NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM**  
7 **THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,**  
8 **2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN**  
9 **FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE**  
10 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

11       Sec. 521. (1) The twentieth judicial circuit consists of the  
12 county of Ottawa and, **EXCEPT AS PROVIDED IN SUBSECTION (2)**, has 3-4  
13 judges. ~~Subject to section 550, the twentieth judicial circuit may~~  
14 ~~have 1 additional judge effective January 1, 2005.~~

15       (2) **SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 3 JUDGES**  
16 **DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12**  
17 **NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM**  
18 **THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,**  
19 **2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN**  
20 **FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE**  
21 **DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

22       Sec. 531. (1) The thirtieth judicial circuit consists of the  
23 county of Ingham and, **EXCEPT AS PROVIDED IN SUBSECTION (2)**, has 7  
24 judges.

25       (2) **SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 6 JUDGES**  
26 **DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12**  
27 **NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM**

1 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
 2 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
 3 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
 4 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

5 Sec. 532. (1) The thirty-first judicial circuit consists of  
 6 the county of St. Clair and, EXCEPT AS PROVIDED IN SUBSECTION (2),  
 7 has 3 judges.

8 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 2 JUDGES  
 9 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
 10 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
 11 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
 12 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
 13 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
 14 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

15 Sec. 549. (1) The forty-eighth judicial circuit consists of  
 16 the county of Allegan and, EXCEPT AS PROVIDED IN SUBSECTION (2),  
 17 has ~~1 judge~~ 2 JUDGES. ~~Subject to section 550, the forty-eighth~~  
 18 ~~judicial circuit may have 1 additional judge effective January 1,~~  
 19 ~~1991.~~

20 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 1 JUDGE  
 21 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
 22 NOON, JANUARY 1, 2013. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
 23 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
 24 2013 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
 25 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
 26 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

27 Sec. 550. (1) An additional circuit judgeship permitted by

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

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

23 (3) By permitting an additional judgeship, the legislature is  
24 not creating that judgeship. If a county, acting through its board  
25 of commissioners, approves the creation of an additional circuit  
26 judgeship, that approval constitutes an exercise of the county's  
27 option to provide a new activity or service or to increase the

1 level of activity or service offered in the county beyond that  
2 required by existing law, as the elements of that option are  
3 defined by ~~Act No. 101 of the Public Acts of 1979, being sections~~  
4 ~~21.231 to 21.244 of the Michigan Compiled Laws 1979 PA 101, MCL~~  
5 **21.231 TO 21.244**, and a voluntary acceptance by the county of all  
6 expenses and capital improvements which may result from the  
7 creation of the judgeship. However, the exercise of the option does  
8 not affect the state's obligation to pay the same portion of the  
9 additional judge's salary which is paid by the state to the other  
10 judges of the same circuit, or to appropriate and disburse funds to  
11 the county for the necessary costs of state requirements  
12 established by a state law which becomes effective on or after  
13 December 23, 1978.

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

21 (5) **IF, BY LAW, THE NUMBER OF JUDGESHIPS IN A JUDICIAL CIRCUIT**  
22 **IS TEMPORARILY REDUCED FOR A PERIOD OF NOT MORE THAN 6 YEARS AND**  
23 **THEN RESTORED TO THE NUMBER OF JUDGESHIPS THAT EXISTED BEFORE THE**  
24 **TEMPORARY REDUCTION, THE RESTORED JUDGESHIP OR JUDGESHIPS ARE NOT**  
25 **CONSIDERED ADDITIONAL CIRCUIT JUDGESHIPS FOR PURPOSES OF THIS**  
26 **SECTION, AND A RESOLUTION OF APPROVAL UNDER SUBSECTION (1) IS NOT**  
27 **REQUIRED.**

1           SEC 550B. (1) A TEMPORARY REDUCTION IN THE NUMBER OF CIRCUIT  
2 JUDGEShips IN A JUDICIAL CIRCUIT SHALL NOT TAKE EFFECT UNLESS ALL  
3 OF THE FOLLOWING OCCUR:

4           (A) THE STATE COURT ADMINISTRATOR APPROVES THE TEMPORARY  
5 REDUCTION IN THE NUMBER OF JUDGES AFTER CONSIDERING JUDICIAL NEED  
6 AND CONSULTING WITH THE AFFECTED COURT.

7           (B) EACH COUNTY IN THE CIRCUIT, BY RESOLUTION ADOPTED BY THE  
8 COUNTY BOARD OF COMMISSIONERS, APPROVES THE TEMPORARY REDUCTION IN  
9 THE NUMBER OF JUDGEShips.

10          (C) THE CLERK OF EACH COUNTY ADOPTING THE RESOLUTION FILES A  
11 COPY OF THE RESOLUTION WITH THE STATE COURT ADMINISTRATOR NOT LATER  
12 THAN 4 P.M. OF THE SIXTEENTH TUESDAY PRECEDING THE DATE ON WHICH  
13 THE AUGUST PRIMARY WOULD HAVE BEEN HELD FOR THE JUDGESHIP THAT IS  
14 BEING ELIMINATED.

15          (2) THE STATE COURT ADMINISTRATOR SHALL IMMEDIATELY NOTIFY THE  
16 ELECTIONS DIVISION OF THE DEPARTMENT OF STATE WITH RESPECT TO ANY  
17 TEMPORARY REDUCTION IN THE NUMBER OF JUDGEShips IN A JUDICIAL  
18 CIRCUIT.