

HOUSE BILL No. 5513

October 14, 2009, Introduced by Reps. Kowall, Crawford, Kurtz, Gregory, McMillin, Moss, Knollenberg, Haines, Polidori, Denby, Marleau, Walsh, Mayes and Meadows and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 550 (MCL 600.550), as amended by 1990 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 550. (1) An additional circuit judgeship permitted by
2 this chapter shall not be authorized to be filled by election
3 unless each county in the circuit, by resolution adopted by the
4 county board of commissioners, approves the creation of that
5 judgeship and unless the clerk of each county adopting such a
6 resolution files a copy of the resolution with the state court
7 administrator not later than 4 p.m. of the sixteenth Tuesday
8 preceding the August primary for the election to fill the

1 additional circuit judgeship. The state court administrator shall
2 immediately notify the elections division of the department of
3 state with respect to each new circuit judgeship authorized
4 pursuant to this subsection.

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

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

1 not affect the state's obligation to pay the same portion of the
2 additional judge's salary which is paid by the state to the other
3 judges of the same circuit, or to appropriate and disburse funds to
4 the county for the necessary costs of state requirements
5 established by a state law which becomes effective on or after
6 December 23, 1978.

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

14 (5) **AS USED IN THIS SECTION, "ADDITIONAL CIRCUIT JUDGESHIP"**
15 **MEANS A JUDGESHIP THAT EXCEEDS THE HIGHEST NUMBER OF JUDGESHIPS**
16 **APPROVED BY A FUNDING UNIT UNDER THIS SECTION IN A CIRCUIT DURING**
17 **THE PRECEDING 6 YEARS.**

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No.____ or House Bill No. 5512(request no.
20 04430'09) of the 95th Legislature is enacted into law.