

SENATE BILL No. 416

June 8, 2011, Introduced by Senators CASWELL, JONES, COLBECK, ROCCA, PAPPAGEORGE and MARLEAU and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 504, 810a, 8121, 8150, and 8176 (MCL 600.504, 600.810a, 600.8121, 600.8150, and 600.8176), section 504 as amended by 2002 PA 715, section 810a as amended by 2004 PA 492, section 8121 as amended by 2001 PA 258, and section 8176 as amended by 2002 PA 92.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 504. (1) The third judicial circuit consists of the
2 county of Wayne and, ~~has the following number of judges:~~
3 ~~—— (a) Until 12 noon, January 1, 2003, 64 judges.~~
4 ~~—— (b) Beginning 12 noon, January 1, 2003, 63 judges; however,~~
5 ~~if, after 12 noon, January 1, 2003, a vacancy occurs in a judgeship~~
6 ~~held by an incumbent judge of this circuit who would be ineligible~~
7 ~~to seek reelection to that office in 2004, that judgeship is~~
8 ~~eliminated unless the total number of judgeships in this circuit~~

1 ~~has been reduced to 61 before that vacancy occurred.~~

2 ~~—— (c) Beginning 12 noon, January 1, 2005, EXCEPT AS PROVIDED IN~~
3 ~~SUBSECTION (2), HAS 61 judges.~~

4 (2) THIS CIRCUIT SHALL HAVE 60 JUDGES BEGINNING ON THE EARLIER
5 OF THE FOLLOWING DATES:

6 (A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
7 CIRCUIT JUDGE IN THIS CIRCUIT.

8 (B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
9 CIRCUIT JUDGE IN THIS CIRCUIT NO LONGER SEEKS ELECTION OR
10 REELECTION TO THAT OFFICE.

11 Sec. 810a. ~~(1) The probate judges in the counties of Arenac,~~
12 ~~Kalkaska, Crawford, Lake, Iron, and Ontonagon, have the~~
13 ~~jurisdiction, powers, duties, and title of a district judge within~~
14 ~~their respective counties, in addition to the jurisdiction, powers,~~
15 ~~duties, and title of a probate judge.~~

16 ~~—— (2) Beginning January 2, 2007, in addition to the probate~~
17 ~~judges described in subsection (1), the probate judges in the~~
18 ~~counties of MANISTEE, Alcona, Baraga, Benzie, Missaukee,~~
19 ~~Montmorency, Oscoda, and Presque Isle have the jurisdiction,~~
20 ~~powers, duties, and title of a district judge within their~~
21 ~~respective counties, in addition to the jurisdiction, powers,~~
22 ~~duties, and title of a probate judge.~~

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

3 (4) The nineteenth district consists of the city of Dearborn,
4 is a district of the third class, and has 3 judges.

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

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

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

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

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

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

18 (11) The twenty-sixth district consists of the cities of River
19 Rouge and Ecorse, is a district of the third class, and ~~is divided~~
20 ~~into the following election divisions:~~

21 ~~—— (a) The first division consists of the city of River Rouge and~~
22 ~~has 1 judge.~~

23 ~~—— (b) The second division consists of the city of Ecorse and has~~
24 ~~1 judge.~~ **HAS THE FOLLOWING NUMBER OF JUDGES:**

25 **(A) UNTIL THE DATE DETERMINED UNDER SUBDIVISION (B), THIS**
26 **DISTRICT HAS 2 JUDGES.**

27 **(B) THIS DISTRICT HAS 1 JUDGE BEGINNING ON THE EARLIER OF THE**

1 FOLLOWING DATES:

2 (i) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF
3 DISTRICT JUDGE IN THIS DISTRICT.

4 (ii) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT
5 DISTRICT JUDGE IN THIS DISTRICT NO LONGER SEEKS ELECTION OR
6 REELECTION TO THAT OFFICE.

7 (12) The twenty-seventh district consists of the following, as
8 applicable:

9 ~~—— (a) Until January 1, 2003 or until a vacancy occurs in a
10 judgeship in the twenty seventh district, whichever occurs first,
11 the twenty seventh district consists of the cities of Wyandotte and
12 Riverview, is a district of the third class, and is divided into
13 the following election divisions:~~

14 ~~—— (i) The first division consists of the city of Wyandotte and
15 has 1 judge.~~

16 ~~—— (ii) The second division consists of the city of Riverview and
17 has 1 judge.~~

18 ~~—— (b) Beginning January 1, 2003 or the date on which a vacancy
19 occurs in a judgeship in the twenty seventh district, whichever
20 occurs first, the twenty seventh district consists of the cities of
21 Wyandotte and Riverview, is a district of the third class, and has
22 1 judge. The remaining incumbent judge of the twenty seventh
23 district shall serve as the judge of the entire twenty seventh
24 district for the balance of the term to which he or she was elected
25 or appointed.~~

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

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

3 (15) The thirtieth district consists of the city of Highland
4 Park, is a district of the third class, and has ~~the following~~
5 ~~number of judges:—1 JUDGE.~~

6 ~~—(a) Until subdivision (b) takes effect, this district has 2~~
7 ~~judges.~~

8 ~~—(b) This district has 1 judge beginning on the earlier of the~~
9 ~~following dates:~~

10 ~~—(i) The date on which a vacancy occurs in the office of~~
11 ~~district judge in this district.~~

12 ~~—(ii) 12 noon, January 1, 2003.~~

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

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

17 (18) The thirty-second-b district consists of the cities of
18 Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and Grosse
19 Pointe Farms, and the village of Grosse Pointe Shores, is a
20 district of the third class, and has 1 judge.

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

25 (20) The thirty-fourth district consists of the townships of
26 Sumpter, Van Buren, and Huron in the county of Wayne and the cities
27 of Romulus and Belleville, is a district of the third class, and

1 has 3 judges.

2 (21) The thirty-fifth district consists of the cities of
 3 Northville and Plymouth and the townships of Northville, Plymouth,
 4 and Canton in the county of Wayne, is a district of the third
 5 class, and has 2-3 judges. ~~Subject to section 8175, this district~~
 6 ~~may have 1 additional judge effective January 1, 2003. If a new~~
 7 ~~office of judge is added to this district to be filled by election~~
 8 ~~in 2002, the term of office of the judge for that election only~~
 9 ~~shall be 8 years.~~

10 Sec. 8150. (1) ~~The eighty fifth district consists of the~~
 11 ~~counties of Manistee and Benzie, is a district of the first class~~
 12 ~~and has 1 judge.~~ **THE EIGHTY-FIFTH-A DISTRICT CONSISTS OF THE COUNTY**
 13 **OF MANISTEE AND IS A DISTRICT OF THE FIRST CLASS. UNDER SECTION**
 14 **810A, THE PROBATE JUDGE FOR THE COUNTY OF MANISTEE SHALL SERVE AS**
 15 **JUDGE OF THE EIGHTY-FIFTH-A DISTRICT.**

16 (2) **THE EIGHTY-FIFTH-B DISTRICT CONSISTS OF THE COUNTY OF**
 17 **BENZIE AND IS A DISTRICT OF THE FIRST CLASS. UNDER SECTION 810A,**
 18 **THE PROBATE JUDGE FOR THE COUNTY OF BENZIE SHALL SERVE AS JUDGE OF**
 19 **THE EIGHTY-FIFTH-B DISTRICT.**

20 Sec. 8176. (1) If a new district is proposed by law, that new
 21 district shall not be created and any district judgeship proposed
 22 for the district shall not be authorized or filled by election
 23 unless each district control unit in the proposed district, by
 24 resolution adopted by the governing body of the district control
 25 unit, approves the creation of the new district and each judgeship
 26 proposed for the district and unless the clerk of each district
 27 control unit adopting that resolution files a copy of the

1 resolution with the state court administrator not later than 4 p.m.
2 of the sixteenth Tuesday preceding the August primary for the
3 election immediately preceding the effective date of the new
4 district. The state court administrator shall immediately notify
5 the elections division of the department of state with respect to
6 each new judicial district and district judgeship authorized
7 ~~pursuant to~~ **UNDER** this subsection.

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

19 (3) By proposing a new district and 1 or more district
20 judgeships for the district, the legislature is not creating that
21 district or any judgeship in the district. If a district control
22 unit, acting through its governing body, approves the creation of a
23 new district and 1 or more district judgeships proposed by law for
24 that district, that approval constitutes an exercise of the
25 district control unit's option to provide a new activity or service
26 or to increase the level of activity or service offered in the
27 district control unit beyond that required by existing law, as the

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

11 (4) Each district judgeship created ~~pursuant to~~**UNDER**
12 subsection (1) shall be filled by election ~~pursuant to~~**UNDER** the
13 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The first
14 term of each district judgeship shall be 6 years, unless the law
15 permitting the creation of the new district and 1 or more
16 judgeships provides for a term of a different length.

17 (5) The reformation of the seventy-eighth, seventy-ninth,
18 eighty-first, eighty-second, eighty-third, and eighty-seventh
19 judicial districts ~~pursuant to the 2002 amendatory act that added~~
20 ~~this subsection~~**UNDER 2002 PA 92** does not require ~~the~~**A RESOLUTION**
21 **OF** approval of the district control unit under this section or
22 section 8175.

23 (6) **THE DIVISION OF A DISTRICT OR THE CONSOLIDATION OF 2 OR**
24 **MORE DISTRICTS THAT DOES NOT RESULT IN AN INCREASE IN THE TOTAL**
25 **NUMBER OF JUDGESHIPS DOES NOT REQUIRE A RESOLUTION OF APPROVAL BY**
26 **THE DISTRICT CONTROL UNIT UNDER THIS SECTION OR SECTION 8175.**