

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4533**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 550, 550a, 805, 8175, and 8176 (MCL 600.550, 600.550a, 600.805, 600.8175, and 600.8176), section 550 as amended by 2009 PA 228, sections 550a and 8176 as amended by 2022 PA 7, section 805 as amended by 2011 PA 300, and section 8175 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~~**is** 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~~**that**



1 resolution files a copy of the resolution with the state court
2 administrator not later than 4 p.m. of the sixteenth Tuesday
3 ~~preceding~~ **before** the ~~August~~ **June** primary for the election to fill
4 the additional circuit judgeship. The state court administrator
5 shall immediately notify the elections division of the department
6 of state with respect to each new circuit judgeship authorized
7 ~~pursuant to~~ **under** this subsection. If a circuit judgeship is
8 permitted by law to be authorized without a resolution being
9 adopted by the county board of commissioners, the state court
10 administrator shall immediately notify the elections division of
11 the department of state with respect to each new circuit judgeship
12 authorized.

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

25 (3) By permitting an additional judgeship, or by restoring a
26 judgeship after a temporary reduction in judgeships as described in
27 subsection (5), the legislature is not creating that judgeship. If
28 a county, acting through its board of commissioners, approves the
29 creation of an additional circuit judgeship, that approval



1 constitutes an exercise of the county's option to provide a new
 2 activity or service or to increase the level of activity or service
 3 offered in the county beyond that required by existing law, as the
 4 elements of that option are defined by 1979 PA 101, MCL 21.231 to
 5 21.244, and a voluntary acceptance by the county of all expenses
 6 and capital improvements ~~which-that~~ may result from the creation of
 7 the judgeship. However, the exercise of the option does not affect
 8 ~~the-this~~ state's obligation to pay the same portion of the
 9 additional judge's salary ~~which-that~~ is paid by ~~the-this~~ state to
 10 the other judges of the same circuit, or to appropriate and
 11 disburse funds to the county for the necessary costs of state
 12 requirements established by a state law ~~which-that~~ becomes
 13 effective on or after December 23, 1978.

14 (4) Each additional circuit judgeship created ~~pursuant to~~
 15 **under** subsection (1) ~~shall-must~~ be filled by election ~~pursuant to~~
 16 **under** the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.
 17 The first term of each additional circuit judgeship ~~shall-be-is~~ 6
 18 years, unless the law permitting the additional judgeship provides
 19 for a term of a different length.

20 (5) If, by law, the number of judgeships in a judicial circuit
 21 is temporarily reduced for a period of not more than 6 years and
 22 then restored to the number of judgeships that existed before the
 23 temporary reduction, the restored judgeship or judgeships are not
 24 considered additional circuit judgeships for purposes of this
 25 section, and a resolution of approval under subsection (1) is not
 26 required.

27 (6) A temporary reduction in the number of circuit judgeships
 28 in a judicial circuit ~~shall-does~~ not take effect unless both of the
 29 following occur:



1 (a) Each county in the circuit, by resolution adopted by the
2 county board of commissioners, supports the temporary reduction in
3 the number of judgeships.

4 (b) The clerk of each county adopting the resolution files a
5 copy of the resolution with the state court administrator not later
6 than 4 p.m. of the sixteenth Tuesday ~~preceding~~ **before** the date on
7 which the ~~August~~ **June** primary would have been held for the
8 judgeship that is being eliminated. A resolution required under
9 subdivision (a) that is filed before ~~the effective date of the~~
10 ~~amendatory act that added this subsection~~ **January 5, 2010** is valid
11 if the filing occurs within the 2-year state legislative session
12 during which the amendatory act was enacted.

13 (7) The state court administrator shall immediately notify the
14 elections division of the department of state with respect to
15 either of the following:

16 (a) A temporary reduction in the number of judgeships in a
17 judicial circuit.

18 (b) The restoration of the number of judgeships in a judicial
19 circuit, after a temporary reduction in that number.

20 Sec. 550a. (1) Except as otherwise provided in this section,
21 if a new judicial circuit is proposed by law, that new circuit is
22 not created and any circuit judgeship proposed for the circuit is
23 not authorized or filled by election unless each county in the
24 proposed circuit, by resolution adopted by the county board of
25 commissioners, approves the creation of the new circuit and each
26 judgeship proposed for the circuit and unless the clerk of each
27 county adopting that resolution files a copy of the resolution with
28 the state court administrator not later than 4 p.m. of the
29 sixteenth Tuesday ~~preceding~~ **before** the ~~August~~ **June** primary



1 immediately following the effective date of the amendatory act
2 permitting the creation of the new circuit. The state court
3 administrator shall immediately notify the elections division of
4 the department of state with respect to each new judicial circuit
5 and circuit judgeship authorized under this subsection.

6 (2) By proposing a new judicial circuit and 1 or more circuit
7 judgeships for the circuit, the legislature is not creating that
8 circuit or any judgeship in the circuit. If a county, acting
9 through its board of commissioners, approves the creation of a new
10 circuit and 1 or more circuit judgeships proposed by law for that
11 circuit, that approval constitutes an exercise of the county's
12 option to provide a new activity or service or to increase the
13 level of activity or service offered in the county beyond that
14 required by existing law, as the elements of that option are
15 defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary
16 acceptance by the county of all expenses and capital improvements
17 that may result from the creation of the new circuit and each
18 judgeship. However, the exercise of the option does not affect ~~the~~
19 **this** state's obligation to pay a portion of the circuit judge's or
20 judges' salary as provided by law, or to appropriate and disburse
21 funds to the county for the necessary costs of state requirements
22 established by a state law that takes effect on or after December
23 23, 1978.

24 (3) Each circuit judgeship created under subsection (1) must
25 be filled by election under the Michigan election law, 1954 PA 116,
26 MCL 168.1 to 168.992. The first term of each circuit judgeship is 6
27 years, unless the law permitting the creation of the new circuit
28 and 1 or more judgeships provides for a term of a different length.

29 (4) The reformation of the eleventh, twenty-third, twenty-



1 sixth, thirty-fourth, fiftieth, and fifty-third judicial circuits
 2 under 2002 PA 92 does not require a resolution of approval by the
 3 county board of commissioners under this section or section 550.

4 (5) The reformation of the twenty-seventh and fifty-first
 5 judicial circuits under ~~the amendatory act that added this~~
 6 ~~subsection~~ **2022 PA 7** does not require a resolution of approval by
 7 the county board of commissioners under this section or section
 8 550.

9 Sec. 805. (1) The additional judges of probate permitted by
 10 section 803 ~~shall~~ **must** not be filled by election unless the county,
 11 by resolution adopted by the county board of commissioners,
 12 approves the creation of that judgeship and unless the clerk of
 13 that county files a copy of the resolution with the state court
 14 administrator not later than 4 p.m. of the thirteenth Tuesday
 15 ~~preceding~~ **before** the ~~August~~ **June** primary for the election to fill
 16 the additional judge of probate. The state court administrator
 17 shall immediately notify the county clerk with respect to any new
 18 judge of probate authorized for that county under this subsection.

19 (2) By permitting an additional judgeship, the legislature is
 20 not creating that judgeship. If a county, acting through its board
 21 of commissioners, approves the creation of an additional judge of
 22 probate, that approval constitutes an exercise of the county's
 23 option to provide a new activity or service or to increase the
 24 level of activity or service offered in the county beyond that
 25 required by existing law, as the elements of that option are
 26 defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary
 27 acceptance by the county of all expenses and capital improvements
 28 that may result from the creation of the judgeship. However, the
 29 exercise of the option does not affect ~~the~~ **this** state's obligation



1 to pay the same portion of the additional judge's salary that is
2 paid by ~~the~~**this** state to the other judges of probate of the same
3 county, or to appropriate and disburse funds to the county for the
4 necessary costs of state requirements established by a state law
5 that takes effect on or after December 23, 1978.

6 (3) Each additional judgeship created under subsection (1)
7 ~~shall~~**must** be filled by election under the Michigan election law,
8 1954 PA 116, MCL 168.1 to 168.992. The first term of each
9 additional judgeship ~~shall be~~**is** 6 years unless the law permitting
10 the additional judgeship provides for a term of a different length.

11 (4) A combination of the office of probate judge with a
12 judicial office of limited jurisdiction within a county under
13 section 15 of article VI of the state constitution of 1963 that
14 does not result in an increase in the total number of trial
15 judgeships in the county does not require a resolution of approval
16 by the county board of commissioners under this section.

17 Sec. 8175. (1) The additional district judgeships permitted by
18 this chapter ~~shall~~**must** not be authorized to be filled by election
19 unless each district control unit of the district, by resolution
20 adopted by the governing body of the district control unit,
21 approves the creation of that judgeship and unless the clerk of
22 each district control unit adopting ~~such a~~**that** resolution files a
23 copy of the resolution with the state court administrator not later
24 than 4 p.m. of the sixteenth Tuesday ~~preceding~~**before** the ~~August~~
25 **June** primary for the election to fill the additional district
26 judgeship. The state court administrator shall immediately notify
27 the elections division of the department of state with respect to
28 each new district judgeship authorized ~~pursuant to~~**under** this
29 subsection.



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

13 (3) By permitting an additional judgeship, the legislature is
 14 not creating that judgeship. If a district control unit, acting
 15 through its governing body, approves the creation of an additional
 16 district judgeship, that approval constitutes an exercise of the
 17 district control unit's option to provide a new activity or service
 18 or to increase the level of activity or service offered in the
 19 district control unit beyond that required by existing law, as the
 20 elements of that option are defined by ~~Act No. 101 of the Public~~
 21 ~~Acts of 1979, being sections 21.231 to 21.244 of the Michigan~~
 22 ~~Compiled Laws, 1979 PA 101, MCL 21.231 to 21.244,~~ and a voluntary
 23 acceptance by the district control unit of all expenses and capital
 24 improvements ~~which~~ **that** may result from the creation of the
 25 judgeship. However, the exercise of the option does not affect ~~the~~
 26 **this** state's obligation to pay the same portion of the additional
 27 judge's salary ~~which~~ **that** is paid by ~~the~~ **this** state to the other
 28 district judges in the same district, or to appropriate and
 29 disburse funds to the district control unit for the necessary costs



1 of state requirements established by a state law ~~which~~**that** becomes
2 effective on or after December 23, 1978.

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

11 Sec. 8176. (1) Except as otherwise provided in this section,
12 if a new district is proposed by law, that new district is not
13 created and any district judgeship proposed for the district is not
14 authorized or filled by election unless each district control unit
15 in the proposed district, by resolution adopted by the governing
16 body of the district control unit, approves the creation of the new
17 district and each judgeship proposed for the district and unless
18 the clerk of each district control unit adopting that resolution
19 files a copy of the resolution with the state court administrator
20 not later than 4 p.m. of the sixteenth Tuesday ~~preceding~~**before** the
21 ~~August~~**June** primary for the election immediately ~~preceding~~**before**
22 the effective date of the new district. The state court
23 administrator shall immediately notify the elections division of
24 the department of state with respect to each new judicial district
25 and district judgeship authorized under this subsection.

26 (2) A resolution required under subsection (1) that is filed
27 before the effective date of the amendatory act that authorized
28 that new district is a valid approval for purposes of this section
29 only if the filing occurs within the 2-year state legislative



1 session during which the amendatory act was enacted. A resolution
 2 required under subsection (1) that is filed after the effective
 3 date of the amendatory act that authorized that new district is a
 4 valid approval for purposes of this section only if the filing
 5 occurs not later than 4 p.m. of the sixteenth Tuesday ~~preceding~~
 6 **before** the ~~August-June~~ primary for the election immediately
 7 ~~preceding~~**before** the effective date of the new district.

8 (3) By proposing a new district and 1 or more district
 9 judgeships for the district, the legislature is not creating that
 10 district or any judgeship in the district. If a district control
 11 unit, acting through its governing body, approves the creation of a
 12 new district and 1 or more district judgeships proposed by law for
 13 that district, that approval constitutes an exercise of the
 14 district control unit's option to provide a new activity or service
 15 or to increase the level of activity or service offered in the
 16 district control unit beyond that required by existing law, as the
 17 elements of that option are defined by 1979 PA 101, MCL 21.231 to
 18 21.244, and a voluntary acceptance by the district control unit of
 19 all expenses and capital improvements ~~which-that~~ may result from
 20 the creation of the new district and each judgeship. However, the
 21 exercise of the option does not affect ~~the-this~~ state's obligation
 22 to pay the same portion of each judge's salary ~~which-that~~ is paid
 23 by ~~the-this~~ state to other district judges as provided by law, or
 24 to appropriate and disburse funds to the district control unit for
 25 the necessary costs of state requirements established by a state
 26 law that becomes effective on or after December 23, 1978.

27 (4) Each district judgeship created under subsection (1) must
 28 be filled by election under the Michigan election law, 1954 PA 116,
 29 MCL 168.1 to 168.992. The first term of each district judgeship



1 ~~shall be~~ **is** 6 years, unless the law permitting the creation of the
2 new district and 1 or more judgeships provides for a term of a
3 different length.

4 (5) The reformation of the seventy-eighth, seventy-ninth,
5 eighty-first, eighty-second, eighty-third, and eighty-seventh
6 judicial districts under 2002 PA 92 does not require the approval
7 of the district control unit under this section or section 8175.

8 (6) The reformation of the seventy-eighth and seventy-ninth
9 judicial districts under ~~the amendatory act that added this~~
10 ~~subsection~~ **2022 PA 7** does not require the approval of the district
11 control unit under this section or section 8175.

12 Enacting section 1. This amendatory act takes effect January
13 1, 2023.

14 Enacting section 2. This amendatory act does not take effect
15 unless all of the following bills of the 101st Legislature are
16 enacted into law:

17 (a) Senate Bill No. 130.

18 (b) House Bill No. 4530.

