

**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, section 550a as amended by 2012 PA 36, section 805
as amended by 2011 PA 300, section 8175 as amended by 1990 PA 54,
and section 8176 as amended by 2002 PA 92.

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) If a new judicial circuit is proposed by law,
21 that new circuit ~~shall~~ **must** not be created and any circuit
22 judgeship proposed for the circuit ~~shall~~ **must** not be authorized or
23 filled by election unless each county in the proposed circuit, by
24 resolution adopted by the county board of commissioners, approves
25 the creation of the new circuit and each judgeship proposed for the
26 circuit and unless the clerk of each county adopting that
27 resolution files a copy of the resolution with the state court
28 administrator not later than 4 p.m. of the sixteenth Tuesday
29 ~~preceding~~ **before** the ~~August~~ **June** primary immediately following the

1 effective date of the amendatory act permitting the creation of the
2 new circuit. The state court administrator shall immediately notify
3 the elections division of the department of state with respect to
4 each new judicial circuit and circuit judgeship authorized under
5 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) ~~shall~~
25 **must** be filled by election under the Michigan election law, 1954 PA
26 116, MCL 168.1 to 168.992. The first term of each circuit judgeship
27 is 6 years, unless the law permitting the creation of the new
28 circuit and 1 or more judgeships provides for a term of a different
29 length.

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

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

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

1 that takes effect on or after December 23, 1978.

2 (3) Each additional judgeship created under subsection (1)
3 ~~shall~~**must** be filled by election under the Michigan election law,
4 1954 PA 116, MCL 168.1 to 168.992. The first term of each
5 additional judgeship ~~shall be~~**is** 6 years unless the law permitting
6 the additional judgeship provides for a term of a different length.

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

13 Sec. 8175. (1) The additional district judgeships permitted by
14 this chapter ~~shall~~**must** not be authorized to be filled by election
15 unless each district control unit of the district, by resolution
16 adopted by the governing body of the district control unit,
17 approves the creation of that judgeship and unless the clerk of
18 each district control unit adopting ~~such a~~**that** resolution files a
19 copy of the resolution with the state court administrator not later
20 than 4 p.m. of the sixteenth Tuesday ~~preceding~~**before** the ~~August~~
21 **June** primary for the election to fill the additional district
22 judgeship. The state court administrator shall immediately notify
23 the elections division of the department of state with respect to
24 each new district judgeship authorized ~~pursuant to~~**under** this
25 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 judgeship is a valid approval of the judgeship for purposes of
29 this section only if the filing occurs within the 2-year state

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

9 (3) By permitting an additional judgeship, the legislature is
10 not creating that judgeship. If a district control unit, acting
11 through its governing body, approves the creation of an additional
12 district judgeship, that approval constitutes an exercise of the
13 district control unit's option to provide a new activity or service
14 or to increase the level of activity or service offered in the
15 district control unit beyond that required by existing law, as the
16 elements of that option are defined by ~~Act No. 101 of the Public~~
17 ~~Acts of 1979, being sections 21.231 to 21.244 of the Michigan~~
18 ~~Compiled Laws, 1979 PA 101, MCL 21.231 to 21.244,~~ and a voluntary
19 acceptance by the district control unit of all expenses and capital
20 improvements ~~which that~~ may result from the creation of the
21 judgeship. However, the exercise of the option does not affect ~~the~~
22 **this** state's obligation to pay the same portion of the additional
23 judge's salary ~~which that~~ is paid by ~~the this~~ state to the other
24 district judges in the same district, or to appropriate and
25 disburse funds to the district control unit for the necessary costs
26 of state requirements established by a state law ~~which that~~ becomes
27 effective on or after December 23, 1978.

28 (4) Each additional district judgeship created ~~pursuant to~~
29 **under** subsection (1) ~~shall must~~ be filled by election ~~pursuant to~~

1 **under** the Michigan election law, ~~Act No. 116 of the Public Acts of~~
2 ~~1954, as amended, being sections 168.1 to 168.992 of the Michigan~~
3 ~~Compiled Laws. 1954 PA 116, MCL 168.1 to 168.992.~~ The first term of
4 each additional district judgeship ~~shall be~~ **is** 6 years, unless the
5 law permitting the additional judgeship provides for a term of a
6 different length.

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

22 (2) A resolution required under subsection (1) that is filed
23 before the effective date of the amendatory act that authorized
24 that new district is a valid approval for purposes of this section
25 only if the filing occurs within the 2-year state legislative
26 session during which the amendatory act was enacted. A resolution
27 required under subsection (1) that is filed after the effective
28 date of the amendatory act that authorized that new district is a
29 valid approval for purposes of this section only if the filing

1 occurs not later than 4 p.m. of the sixteenth Tuesday ~~preceding~~
 2 **before** the ~~August-June~~ primary for the election immediately
 3 ~~preceding-before~~ the effective date of the new district.

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

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

29 (5) The reformation of the seventy-eighth, seventy-ninth,

1 eighty-first, eighty-second, eighty-third, and eighty-seventh
2 judicial districts ~~pursuant to the 2002 amendatory act that added~~
3 ~~this subsection~~ **under 2002 PA 92** does not require the approval of
4 the district control unit under this section or section 8175.

5 Enacting section 1. This amendatory act takes effect January
6 1, 2023.

7 Enacting section 2. This amendatory act does not take effect
8 unless House Bill No. 4530 of the 101st Legislature is enacted into
9 law.