

SENATE BILL NO. 654

September 28, 2021, Introduced by Senators BUMSTEAD and VANDERWALL and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 528, 549c, 550a, 8143, 8144, and 8176 (MCL 600.528, 600.549c, 600.550a, 600.8143, 600.8144, and 600.8176), section 528 as amended by 2012 PA 18, section 550a as amended by 2012 PA 36, sections 8143 and 8176 as amended by 2002 PA 92, and section 8144 as amended by 2020 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 528. (1) ~~Except as provided in subsection (2), the~~ **Until**

1 **December 31, 2021, the** twenty-seventh judicial circuit consists of
 2 the counties of Newaygo and Oceana and has ~~2 judges.~~

3 ~~(2) Beginning on the earlier of the following dates, the~~
 4 ~~twenty-seventh judicial circuit has 1 judge:~~

5 ~~(a) The date on which a vacancy occurs in the office of~~
 6 ~~circuit judge in the twenty-seventh judicial circuit.~~

7 ~~(b) The beginning date of the term for which an incumbent~~
 8 ~~circuit judge in the twenty-seventh judicial circuit no longer~~
 9 ~~seeks election or reelection to that office.~~ **1 judge. Beginning**
 10 **January 1, 2022, the twenty-seventh judicial circuit consists of**
 11 **the counties of Newaygo and Lake and has 1 judge.**

12 **(2) The incumbent judge of the twenty-seventh judicial circuit**
 13 **who resides in Newaygo County shall become the judge of the**
 14 **reformed twenty-seventh judicial circuit on January 1, 2022, and**
 15 **shall serve until the term for which he or she was elected in the**
 16 **twenty-seventh judicial circuit expires.**

17 **Sec. 549c. (1) ~~The~~ Until December 31, 2021, the** fifty-first
 18 **judicial circuit consists of the counties of Lake and Mason and has**
 19 **1 judge. Beginning January 1, 2022, the fifty-first judicial**
 20 **circuit consists of the counties of Mason and Oceana and has 1**
 21 **judge.**

22 **(2) The incumbent judge of the fifty-first judicial circuit**
 23 **who resides in Mason County shall become the judge of the reformed**
 24 **fifty-first judicial circuit on January 1, 2022, and shall serve**
 25 **until the term for which he or she was elected in the fifty-first**
 26 **judicial circuit expires.**

27 **Sec. 550a. (1) ~~If~~ Except as otherwise provided in this**
 28 **section, if** a new judicial circuit is proposed by law, that new
 29 **circuit ~~shall~~ is not be created and any circuit judgeship proposed**

1 for the circuit ~~shall~~**is** not ~~be~~ authorized or filled by election
2 unless each county in the proposed circuit, by resolution adopted
3 by the county board of commissioners, approves the creation of the
4 new circuit and each judgeship proposed for the circuit and unless
5 the clerk of each county adopting that resolution files a copy of
6 the resolution with the state court administrator not later than 4
7 p.m. of the sixteenth Tuesday preceding the August primary
8 immediately following the effective date of the amendatory act
9 permitting the creation of the new circuit. The state court
10 administrator shall immediately notify the elections division of
11 the department of state with respect to each new judicial circuit
12 and circuit judgeship authorized under this subsection.

13 (2) By proposing a new judicial circuit and 1 or more circuit
14 judgeships for the circuit, the legislature is not creating that
15 circuit or any judgeship in the circuit. If a county, acting
16 through its board of commissioners, approves the creation of a new
17 circuit and 1 or more circuit judgeships proposed by law for that
18 circuit, 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 new circuit and each
25 judgeship. However, the exercise of the option does not affect the
26 state's obligation to pay a portion of the circuit judge's or
27 judges' salary as provided by law, or to appropriate and disburse
28 funds to the county for the necessary costs of state requirements
29 established by a state law that takes effect on or after December

1 23, 1978.

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

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

12 **(5) The reformation of the twenty-seventh and fifty-first**
 13 **judicial circuits under the amendatory act that added this**
 14 **subsection does not require a resolution of approval by the county**
 15 **board of commissioners under this section or section 550.**

16 Sec. 8143. (1) ~~The seventy-eighth district consists of the~~
 17 ~~counties of Newaygo and Lake, is a district of the first class, and~~
 18 ~~has 1 judge. Beginning April 1, 2003, the~~ **Until December 31, 2021,**
 19 **the** seventy-eighth district consists of the counties of Newaygo and
 20 Oceana, is a district of the first class, and has 1 judge.
 21 **Beginning January 1, 2022, the seventy-eighth district consists of**
 22 **the counties of Newaygo and Lake, is a district of the first class,**
 23 **and has 1 judge.**

24 (2) The incumbent judge of the seventy-eighth district who
 25 resides in Newaygo County shall become the judge of the reformed
 26 seventy-eighth district on January 1, 2022, and shall serve until
 27 the term for which he or she was elected in the seventy-eighth
 28 district expires.

29 Sec. 8144. (1) ~~The~~ **Until December 31, 2021, the** seventy-ninth

1 district consists of the counties of Lake and Mason, is a district
 2 of the first class, and has 1 judge. **Beginning January 1, 2022, the**
 3 **seventy-ninth district consists of the counties of Mason and**
 4 **Oceana, is a district of the first class, and has 1 judge.**

5 (2) **The incumbent judge of the seventy-ninth district who**
 6 **resides in Mason County shall become the judge of the reformed**
 7 **seventy-ninth district on January 1, 2022, and shall serve until**
 8 **the term for which he or she was elected in the seventy-ninth**
 9 **district expires.**

10 Sec. 8176. (1) ~~If~~ **Except as otherwise provided in this**
 11 **section, if** a new district is proposed by law, that new district
 12 ~~shall is~~ not be created and any district judgeship proposed for the
 13 district ~~shall is~~ not be authorized or filled by election unless
 14 each district control unit in the proposed district, by resolution
 15 adopted by the governing body of the district control unit,
 16 approves the creation of the new district and each judgeship
 17 proposed for the district and unless the clerk of each district
 18 control unit adopting that resolution files a copy of the
 19 resolution with the state court administrator not later than 4 p.m.
 20 of the sixteenth Tuesday preceding the August primary for the
 21 election immediately preceding the effective date of the new
 22 district. The state court administrator shall immediately notify
 23 the elections division of the department of state with respect to
 24 each new judicial district and district judgeship authorized
 25 ~~pursuant to~~ **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 the
6 August primary for the election immediately preceding the effective
7 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 may result from the
20 creation of the new district and each judgeship. However, the
21 exercise of the option does not affect the state's obligation to
22 pay the same portion of each judge's salary which is paid by the
23 state to other district judges as provided by law, or to
24 appropriate and disburse funds to the district control unit for the
25 necessary costs of state requirements established by a state law
26 ~~which~~**that** becomes effective on or after December 23, 1978.

27 (4) Each district judgeship created ~~pursuant to~~**under**
28 subsection (1) ~~shall~~**must** be filled by election ~~pursuant to~~**under**
29 the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The

1 first term of each district judgeship shall be 6 years, unless the
2 law permitting the creation of the new district and 1 or more
3 judgeships provides for a term of a 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 ~~pursuant to the~~ **under** 2002 amendatory act that
7 ~~added this subsection~~ **PA 92** does not require the approval of the
8 district control unit under this section or section 8175.

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