

HOUSE BILL NO. 4533

March 17, 2021, Introduced by Reps. Puri and Calley and referred to the Committee on Elections and Ethics.

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

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

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

29 (3) By permitting an additional judgeship, or by restoring a

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

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

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

1 required.

2 (6) A temporary reduction in the number of circuit judgeships
3 in a judicial circuit ~~shall~~**does** not take effect unless both of the
4 following occur:

5 (a) Each county in the circuit, by resolution adopted by the
6 county board of commissioners, supports the temporary reduction in
7 the number of judgeships.

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

17 (7) The state court administrator shall immediately notify the
18 elections division of the department of state with respect to
19 either of the following:

20 (a) A temporary reduction in the number of judgeships in a
21 judicial circuit.

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

24 Sec. 550a. (1) If a new judicial circuit is proposed by law,
25 that new circuit ~~shall~~**must** not be created and any circuit
26 judgeship proposed for the circuit ~~shall~~**must** not be authorized or
27 filled by election unless each county in the proposed circuit, by
28 resolution adopted by the county board of commissioners, approves
29 the creation of the new circuit and each judgeship proposed for the

1 circuit and unless the clerk of each county adopting that
 2 resolution files a copy of the resolution with the state court
 3 administrator not later than 4 p.m. of the sixteenth Tuesday
 4 ~~preceeding~~ **before** the ~~August~~ **June** primary immediately following the
 5 effective date of the amendatory act permitting the creation of the
 6 new circuit. The state court administrator shall immediately notify
 7 the elections division of the department of state with respect to
 8 each new judicial circuit and circuit judgeship authorized under
 9 this subsection.

10 (2) By proposing a new judicial circuit and 1 or more circuit
 11 judgeships for the circuit, the legislature is not creating that
 12 circuit or any judgeship in the circuit. If a county, acting
 13 through its board of commissioners, approves the creation of a new
 14 circuit and 1 or more circuit judgeships proposed by law for that
 15 circuit, that approval constitutes an exercise of the county's
 16 option to provide a new activity or service or to increase the
 17 level of activity or service offered in the county beyond that
 18 required by existing law, as the elements of that option are
 19 defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary
 20 acceptance by the county of all expenses and capital improvements
 21 that may result from the creation of the new circuit and each
 22 judgeship. However, the exercise of the option does not affect ~~the~~
 23 **this** state's obligation to pay a portion of the circuit judge's or
 24 judges' salary as provided by law, or to appropriate and disburse
 25 funds to the county for the necessary costs of state requirements
 26 established by a state law that takes effect on or after December
 27 23, 1978.

28 (3) Each circuit judgeship created under subsection (1) ~~shall~~
 29 **must** be filled by election under the Michigan election law, 1954 PA

1 116, MCL 168.1 to 168.992. The first term of each circuit judgeship
2 is 6 years, unless the law permitting the creation of the new
3 circuit and 1 or more judgeships provides for a term of a different
4 length.

5 (4) The reformation of the eleventh, twenty-third, twenty-
6 sixth, thirty-fourth, fiftieth, and fifty-third judicial circuits
7 under 2002 PA 92 does not require a resolution of approval by the
8 county board of commissioners under this section or section 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) If a new district is proposed by law, that new
12 district ~~shall~~**must** not be created and any district judgeship
13 proposed for the district ~~shall~~**must** not be authorized or filled by
14 election unless each district control unit in the proposed
15 district, by resolution adopted by the governing body of the
16 district control unit, approves the creation of the new district
17 and each judgeship proposed for the district and unless the clerk
18 of each district control unit adopting that resolution files a copy
19 of the resolution with the state court administrator not later than
20 4 p.m. of the sixteenth Tuesday ~~preceding~~**before** the ~~August~~**June**
21 primary for the election immediately ~~preceding~~**before** the effective
22 date of the new district. The state court administrator shall
23 immediately notify the elections division of the department of
24 state with respect to each new judicial district and district
25 judgeship authorized ~~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~~
 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 ~~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~~ **is** 6 years, unless
2 the 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 2002 amendatory act that added~~
7 ~~this subsection~~ **under 2002 PA 92** does not require the approval of
8 the district control unit under this section or section 8175.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 4530 (request no.
11 02140'21) of the 101st Legislature is enacted into law.