

Act No. 138  
Public Acts of 1994  
Approved by the Governor  
May 26, 1994  
Filed with the Secretary of State  
May 26, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

**Introduced by Reps Galloway Nye Mathieu McNutt Profit Vorva Gubow Fitzgerald Lowe Martin  
Yokich Cropsey Willard Curtis Palamara Rivers Dolan and Dalman  
Reps DeMars Dobb Gagliardi Hill Kaza Kukuk Middleton and Voorhees named co sponsors**

# **ENROLLED HOUSE BILL No. 5328**

AN ACT to amend sections 507 534 821 8121 8131 and 8176 of Act No 236 of the Public Acts of 1961 entitled as amended An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state the powers and duties of such courts and of the judges and other officers thereof the forms and attributes of civil claims and actions the time within which civil actions and proceedings may be brought in said courts pleading evidence practice and procedure in civil and criminal actions and proceedings in said courts to provide remedies and penalties for the violation of certain provisions of this act and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act section 507 as amended by Act No 134 of the Public Acts of 1988 section 534 as amended by Act No 129 of the Public Acts of 1980 section 821 as amended by Act No 343 of the Public Acts of 1990 sections 8121 and 8176 as amended by Act No 54 of the Public Acts of 1990 and section 8131 as amended by Act No 50 of the Public Acts of 1992 being sections 600 507 600 534 600 821 600 8121 600 8131 and 600 8176 of the Michigan Compiled Laws to add section 549<sub>1</sub> to repeal certain parts of the act on specific dates and to repeal certain acts and parts of acts

*The People of the State of Michigan enact*

Section 1 Sections 507 534 821 8121 8131 and 8176 of Act No 236 of the Public Acts of 1961 section 507 as amended by Act No 134 of the Public Acts of 1988 section 534 as amended by Act No 129 of the Public Acts of 1980 section 821 as amended by Act No 343 of the Public Acts of 1990 sections 8121 and 8176 as amended by Act No 54 of the Public Acts of 1990 and section 8131 as amended by Act No 50 of the Public Acts of 1992 being sections 600 507 600 534 600 821 600 8121 600 8131 and 600 8176 of the Michigan Compiled Laws are amended and section 549<sub>1</sub> is added to read as follows

Sec 507 The sixth judicial circuit consists of the county of Oakland and has 16 judges Subject to section 550 this judicial circuit may have 1 additional judge effective January 1 1995

Sec 534 (1) Except as provided in subsection (2) the thirty third judicial circuit consists of the counties of Charlevoix and Emmet and has 1 judge

(2) If the county of Charlevoix approves the reformation of the thirty third judicial circuit pursuant to law and the county of Emmet approves the creation of the fifty seventh judicial circuit pursuant to law the thirty third judicial circuit consists of the county of Charlevoix and has 1 judge effective January 1 1995

Sec 549: If the county of Charlevoix approves the reformation of the thirty third judicial circuit pursuant to law and the county of Emmet approves the creation of the fifty seventh judicial circuit pursuant to law the fifty seventh judicial circuit consists of the county of Emmet and has 1 judge effective January 1 1995

Sec 821 (1) The following probate judges shall not engage in the practice of law other than as a judge and shall receive the minimum annual salary provided in subsection (2)

(a) A probate judge of a county that is not part of a proposed probate court district described in section 807

(b) The probate judge in each probate court district in which a majority of the electors voting on the question in each county of the probate court district has approved or approves creation of the district

(c) Beginning January 1 1997 a probate judge in a county having a population of 15 000 or more if the county is not part of a probate court district created pursuant to law

(d) Beginning January 1 1997 a probate judge in a county having a population of less than 15 000 if the county is not part of a probate court district created pursuant to law

(2) The minimum annual salary for a probate judge shall equal 90% of the annual salary payable by the state to a circuit judge Six thousand dollars of the minimum annual salary provided in this subsection shall be paid by the county or by the counties comprising a probate court district and the balance of that minimum annual salary shall be paid by the state as a grant to the county or the counties comprising the probate court district The county or the counties comprising the probate court district shall in turn pay that amount to the probate judge

(3) The salary provided in subsection (2) shall be full compensation for all services performed by a probate judge except as otherwise provided by law In a probate court district each county of the district shall contribute to the salary in the same proportion as the population of the county bears to the population of the district

(4) In addition to the salary provided in subsection (2) a probate judge may receive from any county in which the probate judge regularly holds court an additional salary determined by the county board of commissioners The additional salary may be increased during a term of office but shall not be decreased except to the extent of a general salary reduction in all other branches of government in the county In a county where an additional salary is granted it shall be paid at the same rate to all probate judges regularly holding court in the county The additional salary granted to a probate judge pursuant to this subsection shall not cause the total of the probate judge's total annual salary from state and county funds to exceed 88% of the annual salary of a justice of the supreme court However an increase in the amount of salary payable to a judge of the probate court caused by an increase in the salary of a justice of the supreme court resulting from the operation of Act No 357 of the Public Acts of 1968 as amended being sections 15 211 to 15 218 of the Michigan Compiled Laws after September 1 1981 shall not be effective until February 1 of the year in which the increase in the salary of a justice of the supreme court becomes effective If an increase in salary becomes effective on February 1 of a year in which an increase in the salary of a justice of the supreme court becomes effective the increase shall be retroactive to January 1 of that year

(5) Except as provided in subsection (6) the state shall reimburse to a county paying an additional salary to a probate judge a portion of that additional salary in an amount provided by law unless the additional salary including any cost of living allowance payable by that county causes the total annual salary of a probate judge to exceed 88% of the salary of a justice of the supreme court

(6) Notwithstanding the limitations of subsection (5) the state shall reimburse a county pursuant to subsection (5) even if the additional salary including any cost of living allowance payable by that county on September 1 1981 causes the total annual salary of a probate judge to exceed 88% of the salary of a justice of the supreme court payable on September 1 1981 However if the additional salary of a probate judge increases beyond the amount payable to the judge on September 1 1981 and if the total annual salary of the judge exceeds 88% of the salary of a justice of the supreme court the county shall return to the state any amount paid under subsection (5) during that state fiscal year and shall be ineligible to receive reimbursement under subsection (5) until the total annual salary of the probate judge does not exceed 88% of the salary of a justice of the supreme court

Sec 8121 (1) The sixteenth district consists of the city of Livonia is a district of the third class and has 2 judges

(2) The seventeenth district consists of the township of Redford in the county of Wayne is a district of the third class and has 2 judges

(3) The eighteenth district consists of the city of Westland is a district of the third class and has 2 judges

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

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

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

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

(8) The twenty third district consists of the city of Taylor is a district of the third class and has 2 judges

(9) The twenty fourth district consists of the cities of Allen Park and Melvindale is a district of the third class and has 2 judges

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

(11) The twenty sixth district consists of the cities of River Rouge and Ecorse is a district of the third class and is divided into the following election divisions

(a) The first division consists of the city of River Rouge and has 1 judge

(b) The second division consists of the city of Ecorse and has 1 judge

(12) The twenty seventh district consists of the cities of Wyandotte and Riverview is a district of the third class and is divided into the following election divisions

(a) The first division consists of the city of Wyandotte and has 1 judge

(b) The second division consists of the city of Riverview and has 1 judge

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

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

(15) The thirtieth district consists of the city of Highland Park is a district of the third class and has 2 judges

(16) The thirty first district consists of the city of Hamtramck is a district of the third class and has 2 judges

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

(18) The thirty second b district consists of the cities of Grosse Pointe Woods Grosse Pointe Park Grosse Pointe and Grosse Pointe Farms and the village of Grosse Pointe Shores is a district of the third class and has 1 judge Subject to section 9940(6) this district may have 1 additional judge effective January 1 1985 or January 1 1987

(19) The thirty third district consists of the cities of Trenton Gibraltar Woodhaven Rockwood and Flat Rock and the townships of Brownstown and Grosse Ile in the county of Wayne is a district of the third class and has 2 judges Subject to section 8175 this district may have 1 additional judge effective January 1 1995

(20) Except as otherwise provided in this subsection the thirty fourth district consists of the townships of Sumpter Van Buren and Huron in the county of Wayne and the cities of Romulus and Belleville is a district of the third class and has 3 judges If the city of Romulus and the township of Huron approve the reformation of the thirty fourth district pursuant to law and the city of Belleville and the townships of Sumpter and Van Buren approve the creation of the thirty fourth a district pursuant to law the thirty fourth district consists of the city of Romulus and the township of Huron is a district of the third class and has 2 judges effective January 1 1997

(21) If the city of Romulus and the township of Huron approve the reformation of the thirty fourth d strict pursuant to law and the city of Belleville and the townships of Sumpter and Van Buren approve the creation of the thirty fourth a district pursuant to law the thirty fourth a district consists of the city of Belleville and the townships of Sumpter and Van Buren is a district of the third class and has 1 judge effective January 1 1997

(22) The thirty fifth district consists of the cities of Northville and Plymouth and the townships of Northville Plymouth and Canton in the county of Wayne is a district of the third class and has 2 judges

Sec 8131 (1) The sixty fourth a district consists of the county of Ionia is a district of the first class and has 1 judge

(2) The sixty fourth b district consists of the county of Montcalm is a district of the first class and has 1 judge

Sec 8176 (1) If a new district is proposed by law that new district shall not be created nor any district judgeship proposed for the district be authorized or filled by election unless each district control unit in the proposed district by resolution adopted by the governing body of the district control unit approves the creation of the new district and each judgeship proposed for the district and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p m of the sixteenth Tuesday preceding the August primary for the election immediately preceding the effective date of the new district The state court administrator shall immediately notify the elections division of the department of state with respect to each new judicial district and district judgeship authorized pursuant to this subsection

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

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

defined by Act No 101 of the Public Acts of 1979 being sections 21 231 to 21 244 of the Michigan Compiled Laws and a voluntary acceptance by the district control unit of all expenses and capital improvements which may result from the creation of the new district and each judgeship However the exercise of the option does not affect the state s obligation to pay the same portion of each judge s salary which is paid by the state to other district judges as provided by law or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law which becomes effective on or after December 23 1978

(4) Each district judgeship created pursuant to subsection (1) shall be filled by election pursuant to the Michigan election law Act No 116 of the Public Acts of 1954 being sections 168 1 to 168 992 of the Michigan Compiled Laws The first term of each district judgeship shall be 6 years unless the law permitting the creation of the new district and 1 or more judgeships provides for a term of a different length

Section 2 Section 822 of Act No 236 of the Public Acts of 1961 being section 600 822 of the Michigan Compiled Laws is repealed effective January 1 1997

Section 3 Enacting section 2 of Act No 343 of the Public Acts of 1990 is repealed

Section 4 Notwithstanding any other provision of law a candidate for the new judgeship authorized by this amendatory act in the sixth judicial circuit or the fifty seventh judicial circuit may qualify for the 1994 primary election by filing a nonrefundable filing fee of \$500 00 with the secretary of state not later than 4 p m on May 27 1994

Section 5 If the thirty fourth district is reformed and the thirty fourth a district is created as provided in section 8121 as amended by this amendatory act all of the following apply as to the judges of the thirty fourth district serving on the effective date of this amendatory act

(a) The 2 judges whose terms expire on January 1 1999 and January 1 2001 shall become judges of the thirty fourth district as reformed on January 1 1997 for the balance of the respective terms for which each judge was elected except that each judge must meet other requirements for eligibility to serve as district judge including residency requirements

(b) If the judge whose term expires January 1 1997 seeks election in the thirty fourth a district for a term beginning January 1 1997 and meets other requirements for eligibility to serve as district judge including residency requirements that judge is entitled to the designation of his or her office on the ballot in the 1996 November general election

Section 6 Any nominating petition filed by a candidate for the new judgeship previously authorized for the sixty fourth a district which authorization is repealed by this amendatory act is void and the ballot in that district for the 1994 primary or general elections shall not contain that judgeship or the name of any candidate for that judgeship

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

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Governor