

SUBSTITUTE FOR
HOUSE BILL NO. 5635

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 535 (MCL 600.535), as amended by 1990 PA 54,
and by adding sections 549j and 550b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 535. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
2 THE thirty-fourth judicial circuit consists of the counties of
3 Arenac, Ogemaw, and Roscommon and has ~~1 judge~~ 2 JUDGES.
4 ~~Subject to section 550, the thirty-fourth judicial circuit may~~
5 ~~have 1 additional judge effective January 1, 1991. If a new~~
6 ~~office of judge is added to this circuit to be filled by election~~
7 ~~in 1990, the term of office of the judge for that election only~~
8 ~~shall be 8 years.~~

9 (2) IF THE COUNTIES OF ARENAC AND OGEMAW APPROVE THE
10 REORGANIZATION OF THE THIRTY-FOURTH JUDICIAL CIRCUIT PURSUANT TO

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1 SECTION 550B, AND THE COUNTY OF ROSCOMMON APPROVES THE CREATION
2 OF THE FIFTY-EIGHTH JUDICIAL CIRCUIT PURSUANT TO SECTION 550B,
3 THE THIRTY-FOURTH JUDICIAL CIRCUIT CONSISTS OF THE COUNTIES OF
4 ARENAC AND OGEMAW AND HAS 1 JUDGE EFFECTIVE JANUARY 1, 2001.

5 SEC. 549J. IF THE COUNTIES OF ARENAC AND OGEMAW APPROVE THE
6 REORGANIZATION OF THE THIRTY-FOURTH JUDICIAL CIRCUIT PURSUANT TO
7 SECTION 550B, AND THE COUNTY OF ROSCOMMON APPROVES THE CREATION
8 OF THE FIFTY-EIGHTH JUDICIAL CIRCUIT PURSUANT TO SECTION 550B,
9 THE FIFTY-EIGHTH JUDICIAL CIRCUIT CONSISTS OF THE COUNTY OF
10 ROSCOMMON AND HAS 1 JUDGE EFFECTIVE JANUARY 1, 2001.

11 SEC. 550B. (1) THE FIFTY-EIGHTH JUDICIAL CIRCUIT SHALL NOT
12 BE CREATED NOR ANY CIRCUIT JUDGESHIP PROPOSED FOR THE CIRCUIT BE
13 AUTHORIZED OR FILLED BY ELECTION UNLESS THE COUNTY OF ROSCOMMON,
14 BY RESOLUTION ADOPTED BY THE COUNTY BOARD OF COMMISSIONERS,
15 APPROVES THE CREATION OF THE NEW CIRCUIT AND EACH JUDGESHIP PRO-
16 POSED FOR THE CIRCUIT; UNLESS THE COUNTIES OF ARENAC AND OGEMAW,
17 BY RESOLUTION ADOPTED BY THE RESPECTIVE COUNTY BOARDS OF COMMIS-
18 SIONERS, APPROVE THE REORGANIZATION OF THE THIRTY-FOURTH JUDICIAL
19 CIRCUIT; AND UNLESS THE CLERK OF EACH COUNTY ADOPTING THE RESPEC-
20 TIVE RESOLUTIONS FILES A COPY OF THE RESOLUTION WITH THE STATE
21 COURT ADMINISTRATOR NOT LATER THAN 4 P.M., DECEMBER 1, 2000. THE
22 STATE COURT ADMINISTRATOR SHALL IMMEDIATELY NOTIFY THE ELECTIONS
23 DIVISION OF THE DEPARTMENT OF STATE WITH RESPECT TO EACH NEW
24 JUDICIAL CIRCUIT AND CIRCUIT JUDGESHIP AUTHORIZED PURSUANT TO
25 THIS SUBSECTION.

26 (2) A RESOLUTION REQUIRED UNDER SUBSECTION (1) THAT IS FILED
27 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS

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1 SECTION IS A VALID APPROVAL FOR PURPOSES OF THIS SECTION IF THE
2 FILING HAS OCCURRED WITHIN THE 2-YEAR STATE LEGISLATIVE SESSION
3 DURING WHICH THE AMENDATORY ACT WAS ENACTED.

4 (3) BY PROPOSING A NEW JUDICIAL CIRCUIT AND 1 OR MORE CIR-
5 CUIT JUDGESHIPS FOR THE CIRCUIT, THE LEGISLATURE IS NOT CREATING
6 THAT CIRCUIT OR ANY JUDGESHIP IN THE CIRCUIT. IF A COUNTY,
7 ACTING THROUGH ITS BOARD OF COMMISSIONERS, APPROVES THE CREATION
8 OF A NEW CIRCUIT AND 1 OR MORE CIRCUIT JUDGESHIPS PROPOSED BY LAW
9 FOR THAT CIRCUIT, THAT APPROVAL CONSTITUTES AN EXERCISE OF THE
10 COUNTY'S OPTION TO PROVIDE A NEW ACTIVITY OR SERVICE OR TO
11 INCREASE THE LEVEL OF ACTIVITY OR SERVICE OFFERED IN THE COUNTY
12 BEYOND THAT REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT
13 OPTION ARE DEFINED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A
14 VOLUNTARY ACCEPTANCE BY THE COUNTY OF ALL EXPENSES AND CAPITAL
15 IMPROVEMENTS WHICH MAY RESULT FROM THE CREATION OF THE NEW CIR-
16 CUIT AND EACH JUDGESHIP. HOWEVER, THE EXERCISE OF THE OPTION
17 DOES NOT AFFECT THE STATE'S OBLIGATION TO PAY A PORTION OF THE
18 CIRCUIT JUDGE'S OR JUDGES' SALARY AS PROVIDED BY LAW, OR TO
19 APPROPRIATE AND DISBURSE FUNDS TO THE COUNTY FOR THE NECESSARY
20 COSTS OF STATE REQUIREMENTS ESTABLISHED BY A STATE LAW WHICH
21 BECOMES EFFECTIVE ON OR AFTER DECEMBER 23, 1978.

22 (4) IF THE FIFTY-EIGHTH JUDICIAL CIRCUIT OF THE CIRCUIT
23 COURT IS CREATED PURSUANT TO SUBSECTION (1), THE CHANGE IN THE
24 COMPOSITION OF THE AFFECTED JUDICIAL CIRCUITS SHALL TAKE EFFECT
25 FOR JUDICIAL PURPOSES ON JANUARY 1, 2001. IF THE FIFTY-EIGHTH
26 JUDICIAL CIRCUIT IS CREATED PURSUANT TO THIS ACT, THE INCUMBENT
27 CIRCUIT JUDGE OF THE THIRTY-FOURTH JUDICIAL CIRCUIT WHO RESIDES

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1 IN ROSCOMMON COUNTY SHALL BECOME THE JUDGE OF THE FIFTY-EIGHTH
2 JUDICIAL CIRCUIT ON JANUARY 1, 2001 AND SHALL SERVE UNTIL THE
3 TERM FOR WHICH HE OR SHE WAS ELECTED IN THE THIRTY-FOURTH JUDI-
4 CIAL CIRCUIT EXPIRES.