

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 435

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8152 (MCL 600.8152), as amended by 2002 PA 92.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8152. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND**
2 **(3), THE** eighty-seventh district consists of the counties of
3 ~~Kalkaska and Otsego, is a district of the first class, and has 1~~
4 ~~judge. Effective April 1, 2003, the eighty-seventh district~~
5 ~~consists of the counties of Crawford, Kalkaska, and Otsego, is a~~
6 district of the first class, and has 1 judge.

7 **(2) IF THE CONDITION IN SUBSECTION (3) IS MET, ALL OF THE**
8 **FOLLOWING APPLY EFFECTIVE JANUARY 2, 2009:**

1 (A) THE EIGHTY-SEVENTH DISTRICT CONSISTS OF THE COUNTY OF
2 OTSEGO, IS A DISTRICT OF THE FIRST CLASS, AND HAS 1 JUDGE, AND
3 SHALL BE REDESIGNATED AS THE EIGHTY-SEVENTH-A DISTRICT.

4 (B) THE EIGHTY-SEVENTH-B DISTRICT CONSISTS OF THE COUNTY OF
5 KALKASKA AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO SECTION
6 810A, THE KALKASKA COUNTY PROBATE JUDGE SHALL SERVE AS JUDGE OF THE
7 EIGHTY-SEVENTH-B DISTRICT.

8 (C) THE EIGHTY-SEVENTH-C DISTRICT CONSISTS OF THE COUNTY OF
9 CRAWFORD AND IS A DISTRICT OF THE FIRST CLASS. PURSUANT TO SECTION
10 810A, THE CRAWFORD COUNTY PROBATE JUDGE SHALL SERVE AS JUDGE OF THE
11 EIGHTY-SEVENTH-C DISTRICT.

12 (3) SUBSECTION (2) DOES NOT TAKE EFFECT UNLESS THE COUNTY OF
13 OTSEGO BY RESOLUTION ADOPTED BY THE GOVERNING BODY OF THE DISTRICT
14 FUNDING UNIT APPROVES THE REFORMATION OF THE EIGHTY-SEVENTH
15 DISTRICT AND ITS REDESIGNATION AS THE EIGHTY-SEVENTH-A DISTRICT AND
16 FILES A COPY OF THE RESOLUTION WITH THE STATE COURT ADMINISTRATOR.

17 Enacting section 1. The judge of the eighty-seventh district
18 at 11:59 p.m. on January 1, 2009, who resides in the county of
19 Otsego, shall serve as judge of the eighty-seventh-A district for
20 the balance of the term to which he or she was elected or appointed
21 judge of the eighty-seventh district.

22 Enacting section 2. If Otsego county, acting through its
23 governing body, approves the reformation of the eighty-seventh
24 district to consist of the county of Otsego with 1 district
25 judgeship, that approval constitutes an exercise of the district
26 funding unit's option to provide a new activity or service or to
27 increase the level of activity or service offered in the district

1 funding unit beyond that required by existing law, as the elements
2 of that option are defined by 1979 PA 101, MCL 21.231 to 21.244,
3 and a voluntary acceptance by the district funding unit of all
4 expenses and capital improvements that may result from reformation
5 of the district. However, the exercise of the option does not
6 affect the state's obligation to pay the same portion of each
7 judge's salary which is paid by the state to other district judges
8 as provided by law, or to appropriate and disburse funds to the
9 district funding unit for the necessary costs of state requirements
10 established by a state law which becomes effective on or after
11 December 23, 1978.