

**SUBSTITUTE FOR
SENATE BILL NO. 850**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 550 (MCL 600.550), as amended by 1990 PA 54.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 550. (1) An additional circuit judgeship permitted by
2 this chapter shall not be authorized to be filled by election
3 unless each county in the circuit, by resolution adopted by the
4 county board of commissioners, approves the creation of that
5 judgeship and unless the clerk of each county adopting such a
6 resolution files a copy of the resolution with the state court
7 administrator not later than 4 p.m. of the sixteenth Tuesday
8 preceding the August primary for the election to fill the
9 additional circuit judgeship. The state court administrator shall

1 immediately notify the elections division of the department of
2 state with respect to each new circuit judgeship authorized
3 pursuant to this subsection.

4 (2) A resolution required under subsection (1) that is filed
5 before the effective date of the amendatory act that authorized
6 that judgeship is a valid approval of the judgeship for purposes of
7 this section only if the filing occurs within the 2-year state
8 legislative session during which the amendatory act was enacted. A
9 resolution required under subsection (1) that is filed after the
10 effective date of the amendatory act that added that judgeship is a
11 valid approval of the judgeship for purposes of this section only
12 if the filing occurs not later than 4 p.m. of the sixteenth Tuesday
13 preceding the August primary for the election immediately preceding
14 the effective date of the additional judgeship.

15 (3) By permitting an additional judgeship, **OR BY RESTORING A**
16 **JUDGESHIP AFTER A TEMPORARY REDUCTION IN JUDGESHIPS AS DESCRIBED IN**
17 **SUBSECTION (5),** the legislature is not creating that judgeship. If
18 a county, acting through its board of commissioners, approves the
19 creation of an additional circuit judgeship, that approval
20 constitutes an exercise of the county's option to provide a new
21 activity or service or to increase the level of activity or service
22 offered in the county beyond that required by existing law, as the
23 elements of that option are defined by ~~Act No. 101 of the Public~~
24 ~~Acts of 1979, being sections 21.231 to 21.244 of the Michigan~~
25 ~~Compiled Laws 1979 PA 101, MCL 21.231 TO 21.244,~~ and a voluntary
26 acceptance by the county of all expenses and capital improvements
27 which may result from the creation of the judgeship. However, the

1 exercise of the option does not affect the state's obligation to
2 pay the same portion of the additional judge's salary which is paid
3 by the state to the other judges of the same circuit, or to
4 appropriate and disburse funds to the county for the necessary
5 costs of state requirements established by a state law which
6 becomes effective on or after December 23, 1978.

7 (4) Each additional circuit judgeship created pursuant to
8 subsection (1) shall be filled by election pursuant to the Michigan
9 election law, ~~Act No. 116 of the Public Acts of 1954, as amended,~~
10 ~~being sections 168.1 to 168.992 of the Michigan Compiled Laws 1954~~
11 **PA 116, MCL 168.1 TO 168.992.** The first term of each additional
12 circuit judgeship shall be 6 years, unless the law permitting the
13 additional judgeship provides for a term of a different length.

14 (5) **IF, BY LAW, THE NUMBER OF JUDGESHIPS IN A JUDICIAL CIRCUIT**
15 **IS TEMPORARILY REDUCED FOR A PERIOD OF NOT MORE THAN 6 YEARS AND**
16 **THEN RESTORED TO THE NUMBER OF JUDGESHIPS THAT EXISTED BEFORE THE**
17 **TEMPORARY REDUCTION, THE RESTORED JUDGESHIP OR JUDGESHIPS ARE NOT**
18 **CONSIDERED ADDITIONAL CIRCUIT JUDGESHIPS FOR PURPOSES OF THIS**
19 **SECTION, AND A RESOLUTION OF APPROVAL UNDER SUBSECTION (1) IS NOT**
20 **REQUIRED.**

21 (6) **A TEMPORARY REDUCTION IN THE NUMBER OF CIRCUIT JUDGESHIPS**
22 **IN A JUDICIAL CIRCUIT SHALL NOT TAKE EFFECT UNLESS BOTH OF THE**
23 **FOLLOWING OCCUR:**

24 (A) **EACH COUNTY IN THE CIRCUIT, BY RESOLUTION ADOPTED BY THE**
25 **COUNTY BOARD OF COMMISSIONERS, SUPPORTS THE TEMPORARY REDUCTION IN**
26 **THE NUMBER OF JUDGESHIPS.**

27 (B) **THE CLERK OF EACH COUNTY ADOPTING THE RESOLUTION FILES A**

1 COPY OF THE RESOLUTION WITH THE STATE COURT ADMINISTRATOR NOT LATER
2 THAN 4 P.M. OF THE SIXTEENTH TUESDAY PRECEDING THE DATE ON WHICH
3 THE AUGUST PRIMARY WOULD HAVE BEEN HELD FOR THE JUDGESHIP THAT IS
4 BEING ELIMINATED. A RESOLUTION REQUIRED UNDER SUBDIVISION (A) THAT
5 IS FILED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
6 THIS SUBSECTION IS VALID IF THE FILING OCCURS WITHIN THE 2-YEAR
7 STATE LEGISLATIVE SESSION DURING WHICH THE AMENDATORY ACT WAS
8 ENACTED.

9 (7) THE STATE COURT ADMINISTRATOR SHALL IMMEDIATELY NOTIFY THE
10 ELECTIONS DIVISION OF THE DEPARTMENT OF STATE WITH RESPECT TO ANY
11 TEMPORARY REDUCTION IN THE NUMBER OF JUDGESHIPS IN A JUDICIAL
12 CIRCUIT.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. 851 of the 95th Legislature is enacted into
15 law.