

# SENATE BILL No. 787

September 9, 2009, Introduced by Senator SWITALSKI and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 507, 511, 517, 519, 521, 531, 532, 549, and  
550 (MCL 600.507, 600.511, 600.517, 600.519, 600.521, 600.531,  
600.532, 600.549, and 600.550), section 507 as amended by 2006 PA  
607, section 517 as amended by 2006 PA 101, section 521 as amended  
by 2001 PA 256, and sections 549 and 550 as amended by 1990 PA 54,  
and by adding section 550b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 507. (1) The sixth judicial circuit consists of the  
2 county of Oakland and, **EXCEPT AS PROVIDED IN SUBSECTION (2)**, has 19  
3 judges. ~~Subject to section 550, this judicial circuit may have 1~~  
4 ~~additional judge effective January 1, 2009.~~

1           (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 18 JUDGES  
2 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
3 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
4 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
5 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
6 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
7 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

8           Sec. 511. (1) The tenth judicial circuit consists of the  
9 county of Saginaw and, EXCEPT AS PROVIDED IN SUBSECTION (2), has 5  
10 judges.

11           (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 4 JUDGES  
12 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
13 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
14 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
15 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
16 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
17 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

18           Sec. 517. (1) The sixteenth judicial circuit consists of the  
19 county of Macomb and, EXCEPT AS PROVIDED IN SUBSECTION (2), has 12  
20 13 judges. ~~Subject to section 550, this circuit may have 1~~  
21 ~~additional judge effective January 1, 2007.~~

22           (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 11 JUDGES  
23 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
24 NOON, JANUARY 1, 2015. THE 2 JUDGESHIPS TEMPORARILY ELIMINATED FROM  
25 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
26 2015 SHALL BE THE JUDGESHIPS OF THOSE JUDGES WHO ARE NOT ELIGIBLE  
27 TO RUN FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE

1 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

2 Sec. 519. (1) The eighteenth judicial circuit consists of the  
3 county of Bay and, EXCEPT AS PROVIDED IN SUBSECTION (2), has 3  
4 judges.

5 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 2 JUDGES  
6 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
7 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
8 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
9 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
10 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
11 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

12 Sec. 521. (1) The twentieth judicial circuit consists of the  
13 county of Ottawa and, EXCEPT AS PROVIDED IN SUBSECTION (2), has 3-4  
14 judges. ~~Subject to section 550, the twentieth judicial circuit may~~  
15 ~~have 1 additional judge effective January 1, 2005.~~

16 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 3 JUDGES  
17 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
18 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
19 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
20 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
21 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
22 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

23 Sec. 531. (1) The thirtieth judicial circuit consists of the  
24 county of Ingham and, EXCEPT AS PROVIDED IN SUBSECTION (2), has 7  
25 judges.

26 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 6 JUDGES  
27 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12

1 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
2 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
3 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
4 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
5 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

6 Sec. 532. (1) The thirty-first judicial circuit consists of  
7 the county of St. Clair and, EXCEPT AS PROVIDED IN SUBSECTION (2),  
8 has 3 judges.

9 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 2 JUDGES  
10 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
11 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
12 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
13 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
14 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
15 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

16 Sec. 549. (1) The forty-eighth judicial circuit consists of  
17 the county of Allegan and, EXCEPT AS PROVIDED IN SUBSECTION (2),  
18 has ~~1 judge~~ 2 JUDGES. ~~Subject to section 550, the forty-eighth~~  
19 ~~judicial circuit may have 1 additional judge effective January 1,~~  
20 ~~1991.~~

21 (2) SUBJECT TO SECTION 550B, THIS CIRCUIT SHALL HAVE 1 JUDGE  
22 DURING THE PERIOD BEGINNING 12 NOON, JANUARY 1, 2011 AND ENDING 12  
23 NOON, JANUARY 1, 2015. THE JUDGESHIP TEMPORARILY ELIMINATED FROM  
24 THIS CIRCUIT DURING THE PERIOD OF JANUARY 1, 2011 TO JANUARY 1,  
25 2015 SHALL BE THE JUDGESHIP OF A JUDGE WHO IS NOT ELIGIBLE TO RUN  
26 FOR REELECTION DUE TO CONSTITUTIONAL LIMITATION ON THE EFFECTIVE  
27 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

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  
10 immediately notify the elections division of the department of  
11 state with respect to each new circuit judgeship authorized  
12 pursuant to this subsection.

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

24       (3) By permitting an additional judgeship, the legislature is  
25 not creating that judgeship. If a county, acting through its board  
26 of commissioners, approves the creation of an additional circuit  
27 judgeship, that approval constitutes an exercise of the county's

1 option to provide a new activity or service or to increase the  
2 level of activity or service offered in the county beyond that  
3 required by existing law, as the elements of that option are  
4 defined by ~~Act No. 101 of the Public Acts of 1979, being sections~~  
5 ~~21.231 to 21.244 of the Michigan Compiled Laws 1979~~ **PA 101, MCL**  
6 **21.231 TO 21.244**, and a voluntary acceptance by the county of all  
7 expenses and capital improvements which may result from the  
8 creation of the judgeship. However, the exercise of the option does  
9 not affect the state's obligation to pay the same portion of the  
10 additional judge's salary which is paid by the state to the other  
11 judges of the same circuit, or to appropriate and disburse funds to  
12 the county for the necessary costs of state requirements  
13 established by a state law which becomes effective on or after  
14 December 23, 1978.

15 (4) Each additional circuit judgeship created pursuant to  
16 subsection (1) shall be filled by election pursuant to the Michigan  
17 election law, ~~Act No. 116 of the Public Acts of 1954, as amended,~~  
18 ~~being sections 168.1 to 168.992 of the Michigan Compiled Laws 1954~~  
19 **PA 116, MCL 168.1 TO 168.992**. The first term of each additional  
20 circuit judgeship shall be 6 years, unless the law permitting the  
21 additional judgeship provides for a term of a different length.

22 (5) **IF, BY LAW, THE NUMBER OF JUDGESHIPS IN A JUDICIAL CIRCUIT**  
23 **IS TEMPORARILY REDUCED FOR A PERIOD OF NOT MORE THAN 6 YEARS AND**  
24 **THEN RESTORED TO THE NUMBER OF JUDGESHIPS THAT EXISTED BEFORE THE**  
25 **TEMPORARY REDUCTION, THE RESTORED JUDGESHIP OR JUDGESHIPS ARE NOT**  
26 **CONSIDERED ADDITIONAL CIRCUIT JUDGESHIPS FOR PURPOSES OF THIS**  
27 **SECTION, AND A RESOLUTION OF APPROVAL UNDER SUBSECTION (1) IS NOT**

1 REQUIRED.

2 SEC 550B. (1) A TEMPORARY REDUCTION IN THE NUMBER OF CIRCUIT  
3 JUDGEShips IN A JUDICIAL CIRCUIT SHALL NOT TAKE EFFECT UNLESS BOTH  
4 OF THE FOLLOWING OCCUR:

5 (A) EACH COUNTY IN THE CIRCUIT, BY RESOLUTION ADOPTED BY THE  
6 COUNTY BOARD OF COMMISSIONERS, APPROVES 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 THE DATE ON WHICH  
11 THE AUGUST PRIMARY WOULD HAVE BEEN HELD FOR THE JUDGESHIP THAT IS  
12 BEING ELIMINATED.

13 (2) THE STATE COURT ADMINISTRATOR SHALL IMMEDIATELY NOTIFY THE  
14 ELECTIONS DIVISION OF THE DEPARTMENT OF STATE WITH RESPECT TO ANY  
15 TEMPORARY REDUCTION IN THE NUMBER OF JUDGEShips IN A JUDICIAL  
16 CIRCUIT.