

Act No. 228  
Public Acts of 2009  
Approved by the Governor  
January 5, 2010  
Filed with the Secretary of State  
January 5, 2010  
EFFECTIVE DATE: January 5, 2010

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2009**

**Introduced by Senators Pappageorge, Jansen, Switalski and Birkholz**

# **ENROLLED SENATE BILL No. 851**

AN ACT to amend 1961 PA 236, entitled "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 the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 507, 517, and 550 (MCL 600.507, 600.517, and 600.550), section 507 as amended by 2006 PA 607, section 517 as amended by 2006 PA 101, and section 550 as amended by 1990 PA 54.

*The People of the State of Michigan enact:*

Sec. 507. (1) The sixth judicial circuit consists of the county of Oakland and, except as provided in subsection (2), has 19 judges.

(2) Subject to section 550, this circuit shall have 18 judges during the period beginning 12 noon, January 1, 2011 and ending 12 noon, January 1, 2015. The judgeship temporarily eliminated from this circuit during the period of January 1, 2011 to January 1, 2015 shall be the judgeship of a judge who is not eligible to run for reelection due to constitutional limitation on the effective date of the amendatory act that added this subsection. In the 2014 election, the initial term of office of the judgeship being restored shall be 8 years.

Sec. 517. (1) The sixteenth judicial circuit consists of the county of Macomb and, except as provided in subsection (2), has 13 judges.

(2) Subject to section 550, this circuit shall have 12 judges during the period beginning 12 noon, January 1, 2011 and ending 12 noon, January 1, 2017. The 1 judgeship temporarily eliminated from this circuit during the period of January 1, 2011 to January 1, 2017 shall be the judgeship of a judge who is not eligible to run for reelection due to constitutional limitation on the effective date of the amendatory act that added this subsection.

Sec. 550. (1) An additional circuit judgeship permitted by this chapter shall not be authorized to be filled by election unless each county in the circuit, by resolution adopted by the county board of commissioners, approves the creation of that judgeship and unless the clerk of each county 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 to fill the additional circuit judgeship. The state court administrator shall immediately notify the elections division of the department of state with respect to each new circuit judgeship authorized pursuant to this subsection. If a circuit judgeship is permitted by law to be authorized without a resolution being adopted by the county board of commissioners, the state court administrator shall immediately notify the elections division of the department of state with respect to each new circuit judgeship authorized.

(2) A resolution required under subsection (1) that is filed before the effective date of the amendatory act that authorized that judgeship is a valid approval of the judgeship 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 added that judgeship is a valid approval of the judgeship 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 additional judgeship.

(3) By permitting an additional judgeship, or by restoring a judgeship after a temporary reduction in judgeships as described in subsection (5), the legislature is not creating that judgeship. If a county, acting through its board of commissioners, approves the creation of an additional circuit judgeship, that approval constitutes an exercise of the county's option to provide a new activity or service or to increase the level of activity or service offered in the county beyond that required by existing law, as the elements of that option are defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by the county of all expenses and capital improvements which may result from the creation of the judgeship. However, the exercise of the option does not affect the state's obligation to pay the same portion of the additional judge's salary which is paid by the state to the other judges of the same circuit, or to appropriate and disburse funds to the county for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(4) Each additional circuit judgeship created pursuant to subsection (1) shall be filled by election pursuant to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The first term of each additional circuit judgeship shall be 6 years, unless the law permitting the additional judgeship provides for a term of a different length.

(5) If, by law, the number of judgeships in a judicial circuit is temporarily reduced for a period of not more than 6 years and then restored to the number of judgeships that existed before the temporary reduction, the restored judgeship or judgeships are not considered additional circuit judgeships for purposes of this section, and a resolution of approval under subsection (1) is not required.

(6) A temporary reduction in the number of circuit judgeships in a judicial circuit shall not take effect unless both of the following occur:

(a) Each county in the circuit, by resolution adopted by the county board of commissioners, supports the temporary reduction in the number of judgeships.

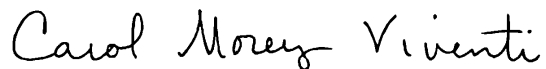
(b) The clerk of each county adopting the resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the sixteenth Tuesday preceding the date on which the August primary would have been held for the judgeship that is being eliminated. A resolution required under subdivision (a) that is filed before the effective date of the amendatory act that added this subsection is valid if the filing occurs within the 2-year state legislative session during which the amendatory act was enacted.

(7) The state court administrator shall immediately notify the elections division of the department of state with respect to either of the following:

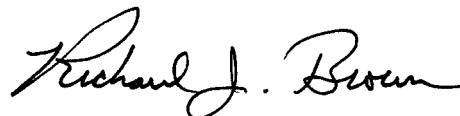
(a) A temporary reduction in the number of judgeships in a judicial circuit.

(b) The restoration of the number of judgeships in a judicial circuit, after a temporary reduction in that number.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

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Governor