

Act No. 6
Public Acts of 2018
Approved by the Governor
January 26, 2018
Filed with the Secretary of State
January 26, 2018
EFFECTIVE DATE: January 26, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Senator Jones

ENROLLED SENATE BILL No. 525

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 511, 530, 545, 821, 8121, 8121a, 8122, 8123, and 8124 (MCL 600.511, 600.530, 600.545, 600.821, 600.8121, 600.8121a, 600.8122, 600.8123, and 600.8124), section 530 as amended by 2013 PA 33, section 821 as amended by 2016 PA 31, sections 8121, 8121a, and 8123 as amended by 2014 PA 58, section 8122 as amended by 2002 PA 681, and section 8124 as amended by 1984 PA 95.

The People of the State of Michigan enact:

Sec. 511. (1) Except as provided in subsection (2), the tenth judicial circuit consists of the county of Saginaw and has 5 judges.

(2) Beginning on the earlier of the following dates, the tenth judicial circuit has 4 judges:

(a) The date on which a vacancy occurs in the office of circuit judge in the tenth judicial circuit, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.

(b) The beginning date of the term for which an incumbent circuit judge in the tenth judicial circuit no longer seeks election or reelection to that office.

Sec. 530. The twenty-ninth judicial circuit consists of the counties of Clinton and Gratiot and has 2 judges.

Sec. 545. The forty-fourth judicial circuit consists of the county of Livingston and has 2 judges. Subject to section 550, this judicial circuit may have 1 additional judge beginning January 1, 2019. If this judgeship is added to the forty-fourth judicial circuit, the initial term of office of the judgeship is 8 years.

Sec. 821. (1) Except for the probate judge in Keweenaw County who is not a judge of the first probate district described in section 807, probate judges shall not engage in the practice of law other than as a judge and must receive an annual salary as calculated under this section.

(2) Each probate judge shall receive an annual salary calculated as follows:

(a) A minimum annual salary of the difference between 85% of the salary of a justice of the supreme court as of December 31, 2015 and \$45,724.00.

(b) In addition to the amount calculated under subdivision (a), a salary of \$45,724.00 paid by the county or counties comprising a probate court district. If a probate judge receives a total additional salary of \$45,724.00 from the county or counties comprising a probate court district, and receives neither less than nor more than \$45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(c) In addition to the amounts under subdivisions (a) and (b), an amount payable by the state that is equal to the amounts calculated under subdivisions (a) and (b) multiplied by the compounded aggregate percentage pay increases, excluding lump-sum payments, paid to civil service nonexclusively represented employees classified as executives and administrators on or after January 1, 2016. The additional salary under this subdivision takes effect on the same date as the effective date of the pay increase paid to civil service nonexclusively represented employees classified as executives and administrators. The additional salary under this subdivision must not be based on a pay increase paid to civil service nonexclusively represented employees classified as executives and administrators if the effective date of the increase was before January 1, 2016.

(3) Six thousand dollars of the minimum annual salary provided in subsection (2) must be paid by the county or counties comprising a probate court district, and the balance of that minimum annual salary must be paid by the state as a grant to the county or the counties comprising the probate court district. The county or counties comprising the probate court district, shall in turn pay that amount to the probate judge. The state shall annually reimburse the county or counties \$6,000.00 for each probate judge to offset the cost to the county or counties under this section.

(4) The salary calculated under this section is full compensation for all services performed by a probate judge, except as otherwise provided by law. In a probate court district, each county of the district shall contribute to the salary in the same proportion as the population of the county bears to the population of the district.

(5) An additional salary determined by the county board of commissioners may be increased during a term of office but must not be decreased, except to the extent of a general salary reduction in all other branches of government in the county. In a county where an additional salary is granted, it must be paid at the same rate to all probate judges regularly holding court in the county.

Sec. 8121. (1) The sixteenth district consists of the city of Livonia, is a district of the third class, and has 2 judges.

(2) The seventeenth district consists of the township of Redford in the county of Wayne, is a district of the third class, and has 2 judges.

(3) Except as otherwise provided in this subsection, the eighteenth district consists of the city of Westland, is a district of the third class, and has 2 judges. If the governing bodies of the cities of Westland and Wayne approve by resolutions the consolidation of the eighteenth and twenty-ninth districts prior to January 1, 2020, all of the following apply beginning January 1, 2020:

(a) The twenty-ninth district is abolished and the eighteenth district consists of the cities of Westland and Wayne, is a district of the third class, and has 3 judges. The additional judgeship in the eighteenth district shall be filled by the incumbent judge of the twenty-ninth district, who shall become a judge of the eighteenth district for the balance of the term to which he or she was elected or appointed.

(b) The clerks of the cities of Westland and Wayne shall file copies of the resolutions with the state court administrator, who, as authorized by the supreme court, shall notify the elections division of the department of state that the consolidation has been approved under this section. A resolution that is filed before January 2, 2019 is a valid approval of the consolidation.

(c) By proposing or authorizing the consolidation of the eighteenth and twenty-ninth districts, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit beyond that required by existing law, as the elements of that option are provided by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by that district control unit of all expenses and capital improvements that may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary that is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law that becomes effective on or after December 23, 1978.

(4) The nineteenth district consists of the city of Dearborn, is a district of the third class, and has 3 judges.

(5) The twentieth district consists of the city of Dearborn Heights, is a district of the third class, and has 2 judges.

(6) The twenty-first district consists of the city of Garden City, is a district of the third class, and has 1 judge.

(7) The twenty-second district consists of the city of Inkster, is a district of the third class, and has 1 judge.

(8) The twenty-third district consists of the city of Taylor, is a district of the third class, and has 2 judges.

(9) The twenty-fourth district consists of the cities of Allen Park and Melvindale, is a district of the third class, and has 2 judges.

(10) The twenty-fifth district consists of the cities of Ecorse, Lincoln Park, and River Rouge, is a district of the third class, and has 2 judges.

(11) The twenty-seventh district consists of the cities of Wyandotte and Riverview, is a district of the third class, and has 1 judge.

(12) The twenty-eighth district consists of the city of Southgate, is a district of the third class, and has 1 judge.

(13) Except as otherwise provided in subsection (3), the twenty-ninth district consists of the city of Wayne, is a district of the third class, and has 1 judge.

(14) The thirtieth district consists of the city of Highland Park, is a district of the third class, and has 1 judge.

(15) The thirty-first district consists of the city of Hamtramck, is a district of the third class, and has 1 judge.

(16) The thirty-second-a district consists of the city of Harper Woods, is a district of the third class, and has 1 judge.

(17) The thirty-second-b district consists of the cities of Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and Grosse Pointe Farms, and the village of Grosse Pointe Shores, is a district of the third class, and has 1 judge.

(18) The thirty-third district consists of the cities of Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the townships of Brownstown and Grosse Ile in the county of Wayne, is a district of the third class, and has the following number of judges:

(a) Until the date determined under subdivision (b), 3 judges.

(b) Beginning on the earlier of the following dates, 2 judges:

(i) The date on which a vacancy occurs in the office of district judge in this district, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.

(ii) The beginning date of the term for which an incumbent district judge in this district no longer seeks election or reelection to that office.

(19) The thirty-fourth district consists of the townships of Sumpter, Van Buren, and Huron in the county of Wayne and the cities of Romulus and Belleville, is a district of the third class, and has 3 judges.

(20) The thirty-fifth district consists of the cities of Northville and Plymouth and the townships of Northville, Plymouth, and Canton in the county of Wayne, is a district of the third class, and has 3 judges.

Sec. 8121a. (1) The thirty-sixth district consists of the city of Detroit, is a district of the third class, and, except as provided in subsection (2), has 30 judges.

(2) Beginning on the earlier of the following dates, the thirty-sixth district has 29 judges:

(a) The date on which a vacancy occurs in the office of district judge in the thirty-sixth judicial district, unless that vacancy occurs after the vacating judge has been defeated in a primary or general election.

(b) The beginning date of the term for which an incumbent district judge in the thirty-sixth judicial district no longer seeks election or reelection to that office.

Sec. 8122. (1) The thirty-seventh district consists of the cities of Warren and Center Line, is a district of the third class, and has 4 judges.

(2) Except as otherwise provided in subsection (3), the thirty-eighth district consists of the city of Eastpointe, is a district of the third class, and has 1 judge.

(3) Except as otherwise provided in this subsection, the thirty-ninth district consists of the cities of Roseville and Fraser, is a district of the third class, and has 3 judges. If the governing bodies of the cities of Roseville, Fraser, and Eastpointe approve by resolutions the consolidation of the thirty-eighth and thirty-ninth districts prior to January 1, 2020, all of the following apply:

(a) The thirty-eighth district is abolished and the thirty-ninth district consists of the cities of Roseville, Fraser, and Eastpointe, is a district of the third class, and has 4 judges. The additional judgeship in the thirty-ninth district shall be filled by the incumbent judge of the thirty-eighth district, who shall become a judge of the thirty-ninth district for the balance of the term to which he or she was elected or appointed.

(b) The clerks of the cities of Roseville, Fraser, and Eastpointe shall file copies of the resolutions with the state court administrator, who, as authorized by the supreme court, shall notify the elections division of the department of state that the consolidation has been approved under this section. A resolution that is filed before January 2, 2019 is a valid approval of the consolidation.

(c) By proposing or authorizing the consolidation of the thirty-eighth and thirty-ninth districts, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to

increase the level of activity and service offered in that district control unit beyond that required by existing law, as the elements of that option are provided by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by that district control unit of all expenses and capital improvements that may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary that is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law that becomes effective on or after December 23, 1978.

(4) The fortieth district consists of the city of Saint Clair Shores, is a district of the third class, and has 2 judges.

(5) The forty-first-a district consists of the cities of Utica and Sterling Heights and the townships of Shelby and Macomb in the county of Macomb, is a district of the third class, and has 4 judges.

(6) The forty-first-b district consists of the city of Mt. Clemens and the townships of Clinton and Harrison in the county of Macomb, is a district of the third class, and has 3 judges.

(7) The forty-second district consists of the cities of Memphis, Richmond, and New Baltimore and the townships of Bruce, Washington, Armada, Ray, Richmond, Lenox, and Chesterfield in the county of Macomb, is a district of the second class, and is divided into the following election divisions:

(a) The first division consists of the cities of Memphis and Richmond and the townships of Bruce, Washington, Armada, Ray, and Richmond and has 1 judge.

(b) The second division consists of the city of New Baltimore and the townships of Lenox and Chesterfield and has 1 judge.

Sec. 8123. (1) The forty-third district consists of the cities of Madison Heights, Ferndale, and Hazel Park, is a district of the third class, and has 3 judges.

(2) The forty-fourth district consists of the cities of Royal Oak and Berkley and has 2 judges.

(3) The forty-fifth district consists of the cities of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in the county of Oakland, is a district of the third class, and has 2 judges.

(4) The forty-sixth district consists of the cities of Southfield and Lathrup Village and the township of Southfield in the county of Oakland, is a district of the third class, and has 3 judges.

(5) The forty-seventh district consists of the cities of Farmington and Farmington Hills, is a district of the third class, and has 2 judges.

(6) The forty-eighth district consists of the cities of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and Orchard Lake Village and the townships of Bloomfield and West Bloomfield in the county of Oakland, is a district of the third class, and has the following number of judges:

(a) Until the date determined under subdivision (b), the forty-eighth district has 3 judges.

(b) The forty-eighth district has 2 judges beginning on the earlier of the following dates:

(i) The date on which a vacancy occurs in the office of district judge in this district, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.

(ii) The beginning date of the term for which an incumbent district judge in this district no longer seeks election or reelection to that office.

(7) The fiftieth district consists of the city of Pontiac, is a district of the third class, and has the following number of judges:

(a) Until the date determined under subdivision (b), 4 judges.

(b) The fiftieth district has 3 judges beginning on the earlier of the following dates:

(i) The date on which a vacancy occurs in the office of district judge in this district, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.

(ii) The beginning date of the term for which an incumbent district judge in this district no longer seeks election or reelection to that office.

(8) The fifty-first district consists of the township of Waterford in the county of Oakland, is a district of the third class, and has 2 judges.

(9) The fifty-second district consists of the county of Oakland except the cities of Madison Heights, Ferndale, Hazel Park, Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge, Southfield, Lathrup Village, Farmington, Farmington Hills, Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village, Birmingham, Bloomfield Hills, and Pontiac and the townships of Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford, is a district of the second class, and is divided into the following election divisions:

(a) The first division consists of the cities of Novi, South Lyon, Wixom, and Walled Lake and the townships of Milford, Highland, Commerce, Lyon, and Novi and has 3 judges.

(b) The second division consists of the city of the village of Clarkston and the townships of Springfield, Independence, Holly, Groveland, Brandon, Rose, and White Lake and has 2 judges.

(c) The third division consists of the cities of Rochester, Auburn Hills, Rochester Hills, and Lake Angelus and the townships of Oxford, Addison, Orion, and Oakland and has 3 judges.

(d) The fourth division consists of the cities of Troy and Clawson and has 2 judges.

Sec. 8124. The fifty-third district consists of the county of Livingston, is a district of the first class, and has the following number of judges:

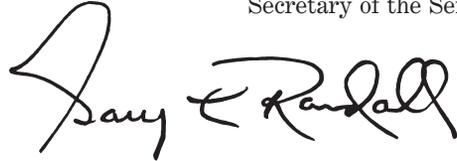
(a) Until 12 noon, January 1, 2019, 3 judges.

(b) Beginning 12 noon, January 1, 2019, 2 judges. The 1 judgeship eliminated from this district at 12 noon, January 1, 2019 shall be the judgeship of a judge who is not eligible to run for reelection in 2018 due to constitutional limitation on the effective date of the amendatory act that added this subdivision.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor