

HOUSE BILL No. 5102

October 19, 2011, Introduced by Rep. Heise and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 525, 549d, and 550a (MCL 600.525, 600.549d,
and 600.550a), section 550a as amended by 2002 PA 92.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 525. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**
2 **THE** twenty-fourth judicial circuit consists of the county of
3 Sanilac and has 1 judge. **BEGINNING ON THE DATE ON WHICH A VACANCY**
4 **OCCURS IN THE OFFICE OF CIRCUIT JUDGE OF THE FIFTY-SECOND JUDICIAL**
5 **CIRCUIT OR THE BEGINNING DATE OF THE TERM FOR WHICH THE INCUMBENT**
6 **CIRCUIT JUDGE OF THE FIFTY-SECOND JUDICIAL CIRCUIT NO LONGER SEEKS**
7 **ELECTION OR REELECTION TO THAT OFFICE, WHICHEVER IS EARLIER, THE**
8 **TWENTY-FOURTH JUDICIAL CIRCUIT CONSISTS OF THE COUNTIES OF HURON**
9 **AND SANILAC AND HAS 1 JUDGE.**

1 Sec. 549d. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
2 fifty-second judicial circuit consists of the county of Huron and
3 has 1 judge.

4 **(2) EFFECTIVE THE EARLIER OF THE FOLLOWING DATES, THE FIFTY-**
5 **SECOND JUDICIAL CIRCUIT IS ABOLISHED:**

6 **(A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF**
7 **CIRCUIT JUDGE OF THE FIFTY-SECOND JUDICIAL CIRCUIT.**

8 **(B) THE BEGINNING DATE OF THE TERM FOR WHICH THE INCUMBENT**
9 **CIRCUIT JUDGE OF THE FIFTY-SECOND JUDICIAL CIRCUIT NO LONGER SEEKS**
10 **ELECTION OR REELECTION TO THAT OFFICE.**

11 Sec. 550a. (1) If a new judicial circuit is proposed by law,
12 that new circuit shall not be created and any circuit judgeship
13 proposed for the circuit shall not be authorized or filled by
14 election unless each county in the proposed circuit, by resolution
15 adopted by the county board of commissioners, approves the creation
16 of the new circuit and each judgeship proposed for the circuit and
17 unless the clerk of each county adopting that resolution files a
18 copy of the resolution with the state court administrator not later
19 than 4 p.m. of the sixteenth Tuesday preceding the August primary
20 immediately following the effective date of the amendatory act
21 permitting the creation of the new circuit. The state court
22 administrator shall immediately notify the elections division of
23 the department of state with respect to each new judicial circuit
24 and circuit judgeship authorized ~~pursuant to~~ **UNDER** this subsection.

25 (2) By proposing a new judicial circuit and 1 or more circuit
26 judgeships for the circuit, the legislature is not creating that
27 circuit or any judgeship in the circuit. If a county, acting

1 through its board of commissioners, approves the creation of a new
2 circuit and 1 or more circuit judgeships proposed by law for that
3 circuit, that approval constitutes an exercise of the county's
4 option to provide a new activity or service or to increase the
5 level of activity or service offered in the county beyond that
6 required by existing law, as the elements of that option are
7 defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary
8 acceptance by the county of all expenses and capital improvements
9 ~~which~~**THAT** may result from the creation of the new circuit and each
10 judgeship. However, the exercise of the option does not affect the
11 state's obligation to pay a portion of the circuit judge's or
12 judges' salary as provided by law, or to appropriate and disburse
13 funds to the county for the necessary costs of state requirements
14 established by a state law ~~which becomes effective~~**THAT TAKES**
15 **EFFECT** on or after December 23, 1978.

16 (3) Each circuit judgeship created ~~pursuant to~~**UNDER**
17 subsection (1) shall be filled by election ~~pursuant to~~**UNDER** the
18 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The first
19 term of each circuit judgeship ~~shall be~~**IS** 6 years, unless the law
20 permitting the creation of the new circuit and 1 or more judgeships
21 provides for a term of a different length.

22 (4) The reformation of the eleventh, twenty-third, twenty-
23 sixth, thirty-fourth, fiftieth, and fifty-third judicial circuits
24 ~~pursuant to the 2002 amendatory act that added this subsection~~
25 **UNDER 2002 PA 92** does not require ~~the~~**A RESOLUTION OF** approval of
26 **BY** the county board of commissioners under this section or section
27 550.

1 (5) THE DIVISION OF A CIRCUIT OR THE CONSOLIDATION OF 2 OR
2 MORE CIRCUITS THAT DOES NOT RESULT IN AN INCREASE IN THE TOTAL
3 NUMBER OF JUDGESHIPS DOES NOT REQUIRE A RESOLUTION OF APPROVAL BY
4 THE COUNTY BOARD OF COMMISSIONERS UNDER THIS SECTION OR SECTION
5 550.