

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 654

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 528, 549c, 550a, 8143, 8144, and 8176 (MCL
600.528, 600.549c, 600.550a, 600.8143, 600.8144, and 600.8176),
section 528 as amended by 2012 PA 18, section 550a as amended by
2012 PA 36, sections 8143 and 8176 as amended by 2002 PA 92, and
section 8144 as amended by 2020 PA 82.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 528. (1) ~~Except as provided in subsection (2), the~~ **Until**
2 **June 30, 2022, the** twenty-seventh judicial circuit consists of the
3 counties of Newaygo and Oceana and has ~~2 judges.~~

4 ~~(2) Beginning on the earlier of the following dates, the~~
5 ~~twenty-seventh judicial circuit has 1 judge.~~

1 ~~(a) The date on which a vacancy occurs in the office of~~
 2 ~~circuit judge in the twenty-seventh judicial circuit.~~

3 ~~(b) The beginning date of the term for which an incumbent~~
 4 ~~circuit judge in the twenty-seventh judicial circuit no longer~~
 5 ~~seeks election or reelection to that office.~~ **1 judge. Beginning July**
 6 **1, 2022, the twenty-seventh judicial circuit consists of the**
 7 **counties of Newaygo and Lake and has 1 judge.**

8 **(2) The incumbent judge of the twenty-seventh judicial circuit**
 9 **who resides in Newaygo County shall become the judge of the**
 10 **reformed twenty-seventh judicial circuit on July 1, 2022, and shall**
 11 **serve until the term for which he or she was elected in the twenty-**
 12 **seventh judicial circuit expires.**

13 **Sec. 549c. (1) ~~The~~ Until June 30, 2022, the fifty-first**
 14 **judicial circuit consists of the counties of Lake and Mason and has**
 15 **1 judge. Beginning July 1, 2022, the fifty-first judicial circuit**
 16 **consists of the counties of Mason and Oceana and has 1 judge.**

17 **(2) The incumbent judge of the fifty-first judicial circuit**
 18 **who resides in Mason County shall become the judge of the reformed**
 19 **fifty-first judicial circuit on July 1, 2022, and shall serve until**
 20 **the term for which he or she was elected in the fifty-first**
 21 **judicial circuit expires.**

22 **Sec. 550a. (1) ~~If~~ Except as otherwise provided in this**
 23 **section, if** a new judicial circuit is proposed by law, that new
 24 circuit ~~shall~~ **is** not be created and any circuit judgeship proposed
 25 for the circuit ~~shall~~ **is** not be authorized or filled by election
 26 unless each county in the proposed circuit, by resolution adopted
 27 by the county board of commissioners, approves the creation of the
 28 new circuit and each judgeship proposed for the circuit and unless
 29 the clerk of each county adopting that resolution files a copy of

1 the resolution with the state court administrator not later than 4
2 p.m. of the sixteenth Tuesday preceding the August primary
3 immediately following the effective date of the amendatory act
4 permitting the creation of the new circuit. The state court
5 administrator shall immediately notify the elections division of
6 the department of state with respect to each new judicial circuit
7 and circuit judgeship authorized under this subsection.

8 (2) By proposing a new judicial circuit and 1 or more circuit
9 judgeships for the circuit, the legislature is not creating that
10 circuit or any judgeship in the circuit. If a county, acting
11 through its board of commissioners, approves the creation of a new
12 circuit and 1 or more circuit judgeships proposed by law for that
13 circuit, that approval constitutes an exercise of the county's
14 option to provide a new activity or service or to increase the
15 level of activity or service offered in the county beyond that
16 required by existing law, as the elements of that option are
17 defined by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary
18 acceptance by the county of all expenses and capital improvements
19 that may result from the creation of the new circuit and each
20 judgeship. However, the exercise of the option does not affect the
21 state's obligation to pay a portion of the circuit judge's or
22 judges' salary as provided by law, or to appropriate and disburse
23 funds to the county for the necessary costs of state requirements
24 established by a state law that takes effect on or after December
25 23, 1978.

26 (3) Each circuit judgeship created under subsection (1) ~~shall~~
27 **must** be filled by election under the Michigan election law, 1954 PA
28 116, MCL 168.1 to 168.992. The first term of each circuit judgeship
29 is 6 years, unless the law permitting the creation of the new

1 circuit and 1 or more judgeships provides for a term of a different
2 length.

3 (4) The reformation of the eleventh, twenty-third, twenty-
4 sixth, thirty-fourth, fiftieth, and fifty-third judicial circuits
5 under 2002 PA 92 does not require a resolution of approval by the
6 county board of commissioners under this section or section 550.

7 **(5) The reformation of the twenty-seventh and fifty-first**
8 **judicial circuits under the amendatory act that added this**
9 **subsection does not require a resolution of approval by the county**
10 **board of commissioners under this section or section 550.**

11 Sec. 8143. ~~(1) The seventy-eighth district consists of the~~
12 ~~counties of Newaygo and Lake, is a district of the first class, and~~
13 ~~has 1 judge. Beginning April 1, 2003, the~~ **Until June 30, 2022, the**
14 **seventy-eighth district consists of the counties of Newaygo and**
15 **Oceana, is a district of the first class, and has 1 judge.**
16 **Beginning July 1, 2022, the seventy-eighth district consists of the**
17 **counties of Newaygo and Lake, is a district of the first class, and**
18 **has 1 judge.**

19 **(2) The incumbent judge of the seventy-eighth district who**
20 **resides in Newaygo County shall become the judge of the reformed**
21 **seventy-eighth district on July 1, 2022, and shall serve until the**
22 **term for which he or she was elected in the seventy-eighth district**
23 **expires.**

24 Sec. 8144. ~~(1) The~~ **Until June 30, 2022, the** seventy-ninth
25 district consists of the counties of Lake and Mason, is a district
26 of the first class, and has 1 judge. **Beginning July 1, 2022, the**
27 **seventy-ninth district consists of the counties of Mason and**
28 **Oceana, is a district of the first class, and has 1 judge.**

29 **(2) The incumbent judge of the seventy-ninth district who**

1 resides in Mason County shall become the judge of the reformed
 2 seventy-ninth district on July 1, 2022, and shall serve until the
 3 term for which he or she was elected in the seventy-ninth district
 4 expires.

5 Sec. 8176. (1) ~~If~~**Except as otherwise provided in this**
 6 **section, if** a new district is proposed by law, that new district
 7 ~~shall is~~ not be created and any district judgeship proposed for the
 8 district ~~shall is~~ not be authorized or filled by election unless
 9 each district control unit in the proposed district, by resolution
 10 adopted by the governing body of the district control unit,
 11 approves the creation of the new district and each judgeship
 12 proposed for the district and unless the clerk of each district
 13 control unit adopting that resolution files a copy of the
 14 resolution with the state court administrator not later than 4 p.m.
 15 of the sixteenth Tuesday preceding the August primary for the
 16 election immediately preceding the effective date of the new
 17 district. The state court administrator shall immediately notify
 18 the elections division of the department of state with respect to
 19 each new judicial district and district judgeship authorized
 20 ~~pursuant to~~**under** this subsection.

21 (2) A resolution required under subsection (1) that is filed
 22 before the effective date of the amendatory act that authorized
 23 that new district is a valid approval for purposes of this section
 24 only if the filing occurs within the 2-year state legislative
 25 session during which the amendatory act was enacted. A resolution
 26 required under subsection (1) that is filed after the effective
 27 date of the amendatory act that authorized that new district is a
 28 valid approval for purposes of this section only if the filing
 29 occurs not later than 4 p.m. of the sixteenth Tuesday preceding the

1 August primary for the election immediately preceding the effective
2 date of the new district.

3 (3) By proposing a new district and 1 or more district
4 judgeships for the district, the legislature is not creating that
5 district or any judgeship in the district. If a district control
6 unit, acting through its governing body, approves the creation of a
7 new district and 1 or more district judgeships proposed by law for
8 that district, that approval constitutes an exercise of the
9 district control unit's option to provide a new activity or service
10 or to increase the level of activity or service offered in the
11 district control unit beyond that required by existing law, as the
12 elements of that option are defined by 1979 PA 101, MCL 21.231 to
13 21.244, and a voluntary acceptance by the district control unit of
14 all expenses and capital improvements which may result from the
15 creation of the new district and each judgeship. However, the
16 exercise of the option does not affect the state's obligation to
17 pay the same portion of each judge's salary which is paid by the
18 state to other district judges as provided by law, or to
19 appropriate and disburse funds to the district control unit for the
20 necessary costs of state requirements established by a state law
21 ~~which~~ ~~that~~ becomes effective on or after December 23, 1978.

22 (4) Each district judgeship created ~~pursuant to~~ **under**
23 subsection (1) ~~shall~~ **must** be filled by election ~~pursuant to~~ **under**
24 the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The
25 first term of each district judgeship shall be 6 years, unless the
26 law permitting the creation of the new district and 1 or more
27 judgeships provides for a term of a different length.

28 (5) The reformation of the seventy-eighth, seventy-ninth,
29 eighty-first, eighty-second, eighty-third, and eighty-seventh

1 judicial districts ~~pursuant to the~~ **under** 2002 ~~amendatory act that~~
2 ~~added this subsection~~ **PA 92** does not require the approval of the
3 district control unit under this section or section 8175.

4 **(6) The reformation of the seventy-eighth and seventy-ninth**
5 **judicial districts under the amendatory act that added this**
6 **subsection does not require the approval of the district control**
7 **unit under this section or section 8175.**