

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.549f Fifty-fourth judicial circuit.

Sec. 549f.

If the county of Lapeer approves the reformation of the fortieth judicial circuit pursuant to law, and the county of Tuscola approves the creation of the fifty-fourth judicial circuit pursuant to law, the fifty-fourth judicial circuit consists of the county of Tuscola and has 1 judge effective July 1, 1981.

History: Add. 1980, Act 129, Imd. Eff. May 22, 1980 ;-- Am. 1980, Act 190, Imd. Eff. July 8, 1980 ;-- Am. 1980, Act 438, Eff. May 1, 1981
Compiler's Notes: Sections 2 to 5 of Act 129 of 1980 provide: "New circuit and district judgeships; appearance on ballot; duty of candidate; petitions; filing fee." Section 2. The new circuit and district judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective circuits and district court districts. If another judicial office of the same court is to be filled by election in the same circuit, county, or district, a candidate for a new judgeship authorized in that circuit, county, or district by this amendatory act shall indicate, at the time of filing nominating petitions, whether the candidate is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in 1980. Petitions for a new judgeship created pursuant to this amendatory act shall bear signatures affixed to the petition after the date by which all counties in the circuit, all district control units in the district, or, in the case of a probate judgeship, the county, have adopted the resolutions required by law to create that office. Notwithstanding any other provision of law, a nonreturnable filing fee of \$250.00 may be paid up to 4 p.m. on June 3, 1980 in lieu of petitions for new judgeships authorized by this 1980 amendatory act which are to be filled by election in 1980. "Additional circuit judgeship for third judicial circuit; terms." Section 3. If the additional circuit judgeship permitted by this amendatory act for the third judicial circuit is created pursuant to law, the candidate receiving the highest number of votes in the 1980 general election shall be elected for a term of 8 years, and the candidate receiving the second highest number of votes shall be elected for a term of 6 years. "Additional circuit judgeship for sixteenth judicial circuit; term." Section 4. If the additional circuit judgeship permitted by this amendatory act for the sixteenth judicial circuit is created pursuant to law, the first term of that judgeship shall be 8 years. "Change in composition of affected judicial circuits; effective date." Section 5. If a new judicial circuit of the circuit court is created pursuant to section 550a, the change in the composition of the affected judicial circuits shall take effect for judicial purposes on January 1, 1981. If the fifty-fourth judicial circuit is created pursuant to this act, the incumbent circuit judge of the fortieth judicial circuit who resides in Tuscola county shall become the judge of the fifty-fourth judicial circuit on January 1, 1981, and shall serve until the term for which he was elected in the fortieth judicial circuit expires." Sections 2, 3 and 6 of Act 438 of 1980 provide: "Conditional effective date; action constituting exercise of option; effect of exercising option." Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect. "(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978." The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981. "Effective date of Chapter 91 and certain sections." Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981. "Creation of fifty-fourth judicial circuit and reformation of fortieth judicial circuit; conditions; legislative intent; judgeship." Section 6. (1) The fifty-fourth judicial circuit shall not be created nor any circuit judgeship proposed for that circuit be authorized or filled by election unless all of the following occur: "(a) The county of Lapeer approves the reformation of the fortieth judicial circuit pursuant to subsection (2). "(b) The county of Tuscola, by resolution adopted by its county board of commissioners, approves the creation of the fifty-fourth judicial circuit and the judgeship proposed for that circuit. "(c) The clerk of the county of Tuscola files a copy of the resolution adopted pursuant to subdivision (b) with the state court administrator not later than 4 p.m. on June 1, 1981. "(2) The fortieth judicial circuit shall not be reformed unless the county of Lapeer, by resolution adopted by its county board of commissioners, approves the reformation of the fortieth judicial circuit and unless the clerk of the county of Lapeer files a copy of the resolution with the state court administrator not later than 4 p.m. on June 1, 1981. "(3) If the reformation of the fortieth judicial circuit, the creation of the fifty-fourth judicial circuit, and the creation of the proposed circuit judgeship for the fifty-fourth judicial circuit are approved pursuant to subsections (1) and (2), the state court administrator shall immediately notify the elections division of the department of state of the composition of the circuits. "(4) By proposing the creation of the fifty-fourth judicial circuit and a circuit judgeship for that circuit and the reformation of the fortieth judicial circuit, the legislature is not creating the fifty-fourth judicial circuit or any judgeship in that circuit, or reforming the fortieth judicial circuit. If the county of Tuscola, acting through its board of commissioners, approves the creation of the circuit and the circuit judgeship proposed by law for that circuit, or if the county of Lapeer approves the reformation of the fortieth judicial circuit each approval constitutes an exercise of the affected 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 the option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the county of all expenses and capital improvements which may result from the creation of the circuit and judgeship, or from the reformation of the circuit. However, the exercise of the option does not affect the state's obligation to pay to each county a portion of the circuit judge's or judges' salary as provided by law, or to appropriate and disburse funds to each county for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978. "(5) If the county of Lapeer approves the reformation of the fortieth judicial circuit and the county of Tuscola approves the creation of the fifty-fourth judicial circuit and the judgeship

for that circuit pursuant to this section, the circuit judge in the fortieth judicial circuit whose term expires on January 1, 1989, shall become a judge of the fifty-fourth judicial circuit and shall serve the balance of his or her term after July 1, 1981, as a judge of the fifty-fourth judicial circuit.”