

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5125

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 8130, 8134, and 8135 (MCL 600.8130, 600.8134,
and 600.8135), section 8130 as amended by 1988 PA 135, section 8134
as amended by 2012 PA 16, and section 8135 as amended by 1982 PA
161.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 8130. (1) The sixty-first district consists of the city
2 of Grand Rapids, is a district of the third class and has ~~5~~6
3 judges. ~~Subject to section 8175, this district may have 1~~
4 ~~additional judge effective January 1, 1989.~~
- 5 (2) The sixty-second-a district consists of the city of
6 Wyoming, is a district of the third class and has 2 judges.
- 7 (3) The sixty-second-b district consists of the city of

1 Kentwood, is a district of the third class and has 1 judge.

2 (4) ~~The~~**EXCEPT AS PROVIDED IN SUBSECTION (5), THE** sixty-third
3 district consists of the county of Kent, except the cities of Grand
4 Rapids, Walker, Grandville, Wyoming and Kentwood, is a district of
5 the second class, and is divided into the following election
6 divisions:

7 (a) The first division consists of the cities of Cedar Springs
8 and Rockford and the townships of Tyrone, Solon, Nelson, Spencer,
9 Sparta, Algoma, Courtland, Oakfield, Alpine, Plainfield, Cannon,
10 and Grattan and has 1 judge.

11 (b) The second division consists of the cities of East Grand
12 Rapids and Lowell and the townships of Grand Rapids, Ada,
13 Vergennes, Cascade, Lowell, Byron, Gaines, Caledonia, and Bowne and
14 has 1 judge.

15 (5) **BEGINNING JANUARY 2, 2015, THE SIXTY-THIRD DISTRICT**
16 **CONSISTS OF THE COUNTY OF KENT, EXCEPT THE CITIES OF GRAND RAPIDS,**
17 **WALKER, GRANDVILLE, WYOMING, AND KENTWOOD, IS A DISTRICT OF THE**
18 **SECOND CLASS, AND HAS 2 JUDGES. FOR PURPOSES OF THE NOVEMBER 2020**
19 **GENERAL ELECTION ONLY, THE TERM OF THE CANDIDATE WHO RECEIVES THE**
20 **GREATEST NUMBER OF VOTES IS 8 YEARS AND THE TERM OF THE CANDIDATE**
21 **WHO RECEIVES THE SECOND GREATEST NUMBER OF VOTES IS 6 YEARS.**
22 **SUBJECT TO SECTION 8175, THE SIXTY-THIRD DISTRICT MAY HAVE 1**
23 **ADDITIONAL JUDGE BEGINNING JANUARY 1, 2017. IF THIS NEW DISTRICT**
24 **JUDGESHIP IS ADDED TO THE SIXTY-THIRD DISTRICT BEGINNING JANUARY 1,**
25 **2017, THE INITIAL TERM OF OFFICE OF THE JUDGESHIP SHALL BE 8 YEARS.**

26 Sec. 8134. (1) ~~The~~**UNLESS THE SIXTY-SEVENTH DISTRICT COURT AND**
27 **THE SIXTY-EIGHTH DISTRICT COURT ARE CONSOLIDATED UNDER SUBSECTION**

1 (4), THE sixty-seventh district consists of the county of Genesee
2 except the city of Flint, is a district of the second class, and is
3 divided into the following election divisions:

4 (a) The first division consists of the cities of Flushing and
5 Clio and the townships of Flushing, Flint, Montrose, Thetford, and
6 Vienna and has 1 judge.

7 (b) The second division consists of the cities of Davison and
8 Burton and the townships of Davison, Forest, Richfield, and Atlas
9 and has 2 judges.

10 (c) The third division consists of the city of Mt. Morris and
11 the townships of Mt. Morris and Genesee and has 1 judge.

12 (d) The fourth division consists of the cities of Fenton,
13 Grand Blanc, and Swartz Creek and the townships of Fenton,
14 Argentine, Grand Blanc, Mundy, Gaines, and Clayton and has 2
15 judges.

16 (2) ~~Notwithstanding~~ **UNLESS THE SIXTY-SEVENTH DISTRICT COURT**
17 **AND THE SIXTY-EIGHTH DISTRICT COURT ARE CONSOLIDATED UNDER**
18 **SUBSECTION (4), NOTWITHSTANDING** any other provision of this act,
19 the county board of commissioners may by resolution designate the
20 county seat as a place where the court for the sixty-seventh
21 district shall sit in a central court facility. The adoption of a
22 resolution described in this subsection does not require the
23 approval of the majority of the judges of the district, and binds
24 the county to maintain a court facility in each municipality in the
25 sixty-seventh district where a court facility exists on the date of
26 the resolution.

27 (3) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), THE** sixty-eighth

1 district consists of the city of Flint, is a district of the third
2 class, and has the following number of judges:

3 (a) Until the date determined under subdivision (b) takes
4 effect, this district has 5 judges.

5 (b) This district has 4 judges beginning on the earlier of the
6 following dates:

7 (i) The date on which a vacancy occurs in the office of
8 district judge in the sixty-eighth district, **UNLESS THE VACANCY**
9 **OCCURS AFTER THE VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR**
10 **GENERAL ELECTION.**

11 (ii) The beginning date of the term for which an incumbent
12 district judge in the sixty-eighth district no longer seeks
13 election or reelection to that office.

14 **(4) IF THE GOVERNING BODY OF THE COUNTY OF GENESEE, BY A VOTE**
15 **OF 2/3 OF THE COMMISSIONERS ELECTED AND SERVING, AND THE GOVERNING**
16 **BODY OF THE CITY OF FLINT APPROVE BY RESOLUTIONS THE CONSOLIDATION**
17 **OF THE SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS, ALL OF THE**
18 **FOLLOWING APPLY:**

19 **(A) BEGINNING THE FIRST JANUARY 2 AFTER THE APPROVAL OF BOTH**
20 **GOVERNING BODIES, THE SIXTY-EIGHTH DISTRICT IS ABOLISHED AND THE**
21 **SIXTY-SEVENTH DISTRICT CONSISTS OF THE COUNTY OF GENESEE, IS A**
22 **DISTRICT OF THE FIRST CLASS, AND IS DIVIDED INTO THE FOLLOWING**
23 **ELECTION DIVISIONS:**

24 **(i) THE FIRST DIVISION CONSISTS OF THE CITIES OF FLUSHING AND**
25 **CLIO AND THE TOWNSHIPS OF FLUSHING, FLINT, MONTROSE, THETFORD, AND**
26 **VIENNA AND HAS 1 JUDGE.**

27 **(ii) THE SECOND DIVISION CONSISTS OF THE CITIES OF DAVISON AND**

1 BURTON AND THE TOWNSHIPS OF DAVISON, FOREST, RICHFIELD, AND ATLAS
2 AND HAS 2 JUDGES.

3 (iii) THE THIRD DIVISION CONSISTS OF THE CITY OF MT. MORRIS AND
4 THE TOWNSHIPS OF MT. MORRIS AND GENESEE AND HAS 1 JUDGE.

5 (iv) THE FOURTH DIVISION CONSISTS OF THE CITIES OF FENTON,
6 GRAND BLANC, AND SWARTZ CREEK AND THE TOWNSHIPS OF FENTON,
7 ARGENTINE, GRAND BLANC, MUNDY, GAINES, AND CLAYTON AND HAS 2
8 JUDGES.

9 (v) THE FIFTH DIVISION CONSISTS OF THE CITY OF FLINT. THE
10 JUDGESHIPS IN THE FIFTH DIVISION SHALL BE FILLED BY THE INCUMBENT
11 JUDGES OF THE SIXTY-EIGHTH DISTRICT, WHO SHALL BECOME JUDGES OF THE
12 FIFTH DIVISION FOR THE BALANCE OF THE TERM TO WHICH THEY WERE
13 ELECTED OR APPOINTED. THE FIFTH DIVISION HAS THE FOLLOWING NUMBER
14 OF JUDGES:

15 (A) IF THERE ARE 5 JUDGES IN THE SIXTY-EIGHTH DISTRICT AT THE
16 TIME THE SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS ARE CONSOLIDATED,
17 THIS DIVISION HAS 5 JUDGES. THIS DIVISION HAS 4 JUDGES BEGINNING ON
18 THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE
19 IN THIS DIVISION UNLESS THE VACANCY OCCURS AFTER THE VACATING JUDGE
20 HAS BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION, OR THE
21 BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN
22 THIS DIVISION NO LONGER SEEKS ELECTION OR REELECTION TO THAT
23 OFFICE, WHICHEVER IS EARLIER.

24 (B) IF THERE ARE 4 JUDGES IN THE SIXTY-EIGHTH DISTRICT AT THE
25 TIME THE SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS ARE CONSOLIDATED,
26 THIS DIVISION HAS 4 JUDGES.

27 (B) THE CLERK OF THE COUNTY OF GENESEE AND THE CLERK OF THE

1 CITY OF FLINT SHALL FILE COPIES OF THE RESOLUTIONS WITH THE STATE
2 COURT ADMINISTRATOR, WHO, AS AUTHORIZED BY THE SUPREME COURT, SHALL
3 NOTIFY THE ELECTIONS DIVISION OF THE DEPARTMENT OF STATE THAT THE
4 CONSOLIDATION HAS BEEN APPROVED UNDER THIS SECTION.

5 (C) FOR NOT LESS THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THE
6 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE GOVERNING BODY OF
7 THE COUNTY OF GENESEE SHALL MAINTAIN A COURT FACILITY IN EACH
8 MUNICIPALITY WITHIN THE COUNTY WHERE A COURT FACILITY EXISTS ON THE
9 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBDIVISION.
10 THE GOVERNING BODY OF THE COUNTY OF GENESEE MAY MAINTAIN COURT
11 FACILITIES IN ANY MUNICIPALITY WITHIN THE COUNTY AFTER THE 2-YEAR
12 PERIOD DESCRIBED IN THIS SUBDIVISION HAS ELAPSED.

13 (D) BY PROPOSING OR AUTHORIZING THE CONSOLIDATION OF THE
14 SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS, THE LEGISLATURE IS NOT
15 CREATING A NEW OBLIGATION FOR ANY AFFECTED DISTRICT CONTROL UNIT.
16 IF A DISTRICT CONTROL UNIT, ACTING THROUGH ITS GOVERNING BODY,
17 APPROVES THE CONSOLIDATION, THEN THE APPROVAL CONSTITUTES AN
18 EXERCISE OF THE DISTRICT CONTROL UNIT'S OPTION TO INCREASE THE
19 LEVEL OF ACTIVITY AND SERVICE OFFERED IN THAT DISTRICT CONTROL UNIT
20 BEYOND THAT REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT
21 OPTION ARE PROVIDED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A
22 VOLUNTARY ACCEPTANCE BY THAT DISTRICT CONTROL UNIT OF ALL EXPENSES
23 AND CAPITAL IMPROVEMENTS THAT MAY RESULT FROM THE CONSOLIDATION OF
24 THE DISTRICTS. HOWEVER, THE EXERCISE OF THE OPTION DOES NOT AFFECT
25 THE STATE'S OBLIGATION TO PAY THE SAME PORTION OF EACH JUDGE'S
26 SALARY THAT IS PAID BY THE STATE TO OTHER DISTRICT JUDGES AS
27 PROVIDED BY LAW, OR TO APPROPRIATE AND DISBURSE FUNDS TO THE

1 DISTRICT CONTROL UNIT FOR THE NECESSARY COSTS OF STATE REQUIREMENTS
2 ESTABLISHED BY A STATE LAW THAT TAKES EFFECT ON OR AFTER DECEMBER
3 23, 1978.

4 (E) SECTIONS 8177 AND 8178 DO NOT APPLY TO THE CONSOLIDATION
5 OF THE SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS.

6 Sec. 8135. The seventieth district consists of the county of
7 Saginaw, is a district of the first class, and is divided into the
8 following election divisions:

9 (a) The first division consists of the cities of Saginaw and
10 Zilwaukee and the townships of Zilwaukee, Buena Vista, Carrollton,
11 and Bridgeport, and has 3 judges. HOWEVER, THE FIRST DIVISION HAS 2
12 JUDGES BEGINNING ON THE DATE ON WHICH A VACANCY OCCURS IN THE
13 OFFICE OF DISTRICT JUDGE IN THE FIRST DIVISION UNLESS THE VACANCY
14 OCCURS AFTER THE VACATING JUDGE HAS BEEN DEFEATED IN A PRIMARY OR
15 GENERAL ELECTION, OR THE BEGINNING DATE OF THE TERM FOR WHICH AN
16 INCUMBENT DISTRICT JUDGE IN THE FIRST DIVISION NO LONGER SEEKS
17 ELECTION OR REELECTION TO THAT OFFICE, WHICHEVER IS EARLIER.

18 (b) The second division consists of the county of Saginaw,
19 except the cities of Saginaw and Zilwaukee and the townships of
20 Zilwaukee, Buena Vista, Carrollton, and Bridgeport, and has ~~3~~—2
21 judges. HOWEVER, THE SECOND DIVISION HAS 3 JUDGES BEGINNING ON THE
22 DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE IN
23 THE FIRST DIVISION, UNLESS THE VACANCY OCCURS AFTER THE VACATING
24 JUDGE HAS BEEN DEFEATED IN A PRIMARY OR GENERAL ELECTION, OR THE
25 BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN
26 THE FIRST DIVISION NO LONGER SEEKS ELECTION OR REELECTION TO THAT
27 OFFICE, WHICHEVER IS EARLIER. THE JUDGESHIP TRANSFERRED FROM THE

1 FIRST DIVISION TO THE SECOND DIVISION IS NOT CONSIDERED AN
2 ADDITIONAL JUDGESHIP FOR PURPOSES OF SECTION 8175 AND MAY BE FILLED
3 BY APPOINTMENT BY THE GOVERNOR IF IT IS THE RESULT OF A VACANCY IN
4 THE FIRST DIVISION.

5 Enacting section 1. This amendatory act does not take effect
6 unless all of the following bills of the 97th Legislature are
7 enacted into law:

- 8 (a) House Bill No. 5121.
- 9 (b) House Bill No. 5122.
- 10 (c) House Bill No. 5123.
- 11 (d) House Bill No. 5124.