

# HOUSE BILL No. 5125

October 31, 2013, Introduced by Reps. Heise, Cotter and Walsh and referred to the Committee on Judiciary.

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.

1           (3) The sixty-second-b district consists of the city of  
2 Kentwood, is a district of the third class and has 1 judge.

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

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

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

16           **(5) BEGINNING JANUARY 1, 2014, THE SIXTY-THIRD DISTRICT**  
17 **CONSISTS OF THE COUNTY OF KENT, EXCEPT THE CITIES OF GRAND RAPIDS,**  
18 **WALKER, GRANDVILLE, WYOMING, AND KENTWOOD, IS A DISTRICT OF THE**  
19 **SECOND CLASS, AND HAS 2 JUDGES. SUBJECT TO SECTION 8175, THIS**  
20 **DISTRICT MAY HAVE 1 ADDITIONAL JUDGE BEGINNING JANUARY 1, 2015. FOR**  
21 **PURPOSES OF THE NOVEMBER 2014 GENERAL ELECTION, ALL OF THE**  
22 **FOLLOWING APPLY:**

23           **(A) THE TERM OF THE CANDIDATE FOR AN EXISTING JUDGESHIP WHO**  
24 **RECEIVES THE GREATEST NUMBER OF VOTES IS 8 YEARS.**

25           **(B) THE TERM OF THE CANDIDATE FOR AN EXISTING JUDGESHIP WHO**  
26 **RECEIVES THE SECOND GREATEST NUMBER OF VOTES IS 6 YEARS.**

27           **(C) IF A NEW JUDGESHIP IS ADDED TO THIS DISTRICT BEGINNING**

1 JANUARY 1, 2015, THE TERM OF THE CANDIDATE FOR THE NEW JUDGESHIP  
2 WHO RECEIVES THE GREATEST NUMBER OF VOTES IS 4 YEARS.

3 Sec. 8134. (1) ~~The~~ **UNLESS THE SIXTY-SEVENTH DISTRICT COURT AND**  
4 **THE SIXTY-EIGHTH DISTRICT COURT ARE CONSOLIDATED UNDER SUBSECTION**  
5 **(4), THE** sixty-seventh district consists of the county of Genesee  
6 except the city of Flint, is a district of the second class, and is  
7 divided into the following election divisions:

8 (a) The first division consists of the cities of Flushing and  
9 Clio and the townships of Flushing, Flint, Montrose, Thetford, and  
10 Vienna and has 1 judge.

11 (b) The second division consists of the cities of Davison and  
12 Burton and the townships of Davison, Forest, Richfield, and Atlas  
13 and has 2 judges.

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

16 (d) The fourth division consists of the cities of Fenton,  
17 Grand Blanc, and Swartz Creek and the townships of Fenton,  
18 Argentine, Grand Blanc, Mundy, Gaines, and Clayton and has 2  
19 judges.

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

1 the county to maintain a court facility in each municipality in the  
2 sixty-seventh district where a court facility exists on the date of  
3 the resolution.

4 (3) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), THE** sixty-eighth  
5 district consists of the city of Flint, is a district of the third  
6 class, and has the following number of judges:

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

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

11 (i) The date on which a vacancy occurs in the office of  
12 district judge in the sixty-eighth district, **UNLESS THE VACANCY**  
13 **OCCURS AFTER A JUDGE'S SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT**  
14 **BEFORE THAT SUCCESSOR TAKES OFFICE.**

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

18 (4) **IF THE GOVERNING BODIES OF THE COUNTY OF GENESEE AND THE**  
19 **CITY OF FLINT APPROVE BY RESOLUTIONS THE CONSOLIDATION OF THE**  
20 **SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS, ALL OF THE FOLLOWING**  
21 **APPLY:**

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

27 (i) **THE FIRST DIVISION CONSISTS OF THE CITIES OF FLUSHING AND**

1 CLIO AND THE TOWNSHIPS OF FLUSHING, FLINT, MONTROSE, THETFORD, AND  
2 VIENNA AND HAS 1 JUDGE.

3 (ii) THE SECOND DIVISION CONSISTS OF THE CITIES OF DAVISON AND  
4 BURTON AND THE TOWNSHIPS OF DAVISON, FOREST, RICHFIELD, AND ATLAS  
5 AND HAS 2 JUDGES.

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

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

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

18 (A) IF THERE ARE 5 JUDGES IN THE SIXTY-EIGHTH DISTRICT AT THE  
19 TIME THE SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS ARE CONSOLIDATED,  
20 THIS DIVISION HAS 5 JUDGES. THIS DIVISION HAS 4 JUDGES BEGINNING ON  
21 THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE  
22 IN THIS DIVISION UNLESS THE VACANCY OCCURS AFTER A JUDGE'S  
23 SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT BEFORE THAT SUCCESSOR  
24 TAKES OFFICE, OR THE BEGINNING DATE OF THE TERM FOR WHICH AN  
25 INCUMBENT DISTRICT JUDGE IN THIS DIVISION NO LONGER SEEKS ELECTION  
26 OR REELECTION TO THAT OFFICE, WHICHEVER IS EARLIER.

27 (B) IF THERE ARE 4 JUDGES IN THE SIXTY-EIGHTH DISTRICT AT THE

1 TIME THE SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS ARE CONSOLIDATED,  
2 THIS DIVISION HAS 4 JUDGES.

3 (B) THE CLERK OF THE COUNTY OF GENESEE AND THE CLERK OF THE  
4 CITY OF FLINT SHALL FILE COPIES OF THE RESOLUTIONS WITH THE STATE  
5 COURT ADMINISTRATOR, WHO, AS AUTHORIZED BY THE SUPREME COURT, SHALL  
6 NOTIFY THE ELECTIONS DIVISION OF THE DEPARTMENT OF STATE THAT THE  
7 CONSOLIDATION HAS BEEN APPROVED UNDER THIS SECTION AND THE DATE ON  
8 WHICH THE CONSOLIDATION WILL TAKE EFFECT.

9 (C) BY PROPOSING OR AUTHORIZING THE CONSOLIDATION OF THE  
10 SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS, THE LEGISLATURE IS NOT  
11 CREATING A NEW OBLIGATION FOR ANY AFFECTED DISTRICT CONTROL UNIT.  
12 IF A DISTRICT CONTROL UNIT, ACTING THROUGH ITS GOVERNING BODY,  
13 APPROVES THE CONSOLIDATION, THEN THE APPROVAL CONSTITUTES AN  
14 EXERCISE OF THE DISTRICT CONTROL UNIT'S OPTION TO INCREASE THE  
15 LEVEL OF ACTIVITY AND SERVICE OFFERED IN THAT DISTRICT CONTROL UNIT  
16 BEYOND THAT REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT  
17 OPTION ARE PRESCRIBED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A  
18 VOLUNTARY ACCEPTANCE BY THAT DISTRICT CONTROL UNIT OF ALL EXPENSES  
19 AND CAPITAL IMPROVEMENTS THAT MAY RESULT FROM THE CONSOLIDATION OF  
20 THE DISTRICTS. HOWEVER, THE EXERCISE OF THE OPTION DOES NOT AFFECT  
21 THE STATE'S OBLIGATION TO PAY THE SAME PORTION OF EACH JUDGE'S  
22 SALARY THAT IS PAID BY THE STATE TO OTHER DISTRICT JUDGES AS  
23 PROVIDED BY LAW, OR TO APPROPRIATE AND DISBURSE FUNDS TO THE  
24 DISTRICT CONTROL UNIT FOR THE NECESSARY COSTS OF STATE REQUIREMENTS  
25 ESTABLISHED BY A STATE LAW THAT TAKES EFFECT ON OR AFTER DECEMBER  
26 23, 1978.

27 (D) SECTION 8177 DOES NOT APPLY TO THE CONSOLIDATION OF THE

1 SIXTY-SEVENTH AND SIXTY-EIGHTH DISTRICTS.

2 Sec. 8135. The seventieth district consists of the county of  
3 Saginaw, is a district of the first class, and is divided into the  
4 following election divisions:

5 (a) The first division consists of the cities of Saginaw and  
6 Zilwaukee and the townships of Zilwaukee, Buena Vista, Carrollton,  
7 and Bridgeport, and has 3 judges. **HOWEVER, THE FIRST DIVISION HAS 2**  
8 **JUDGES BEGINNING ON THE DATE ON WHICH A VACANCY OCCURS IN THE**  
9 **OFFICE OF DISTRICT JUDGE IN THE FIRST DIVISION UNLESS THE VACANCY**  
10 **OCCURS AFTER A JUDGE'S SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT**  
11 **BEFORE THAT SUCCESSOR TAKES OFFICE, OR THE BEGINNING DATE OF THE**  
12 **TERM FOR WHICH AN INCUMBENT DISTRICT JUDGE IN THE FIRST DIVISION NO**  
13 **LONGER SEEKS ELECTION OR REELECTION TO THAT OFFICE, WHICHEVER IS**  
14 **EARLIER.**

15 (b) The second division consists of the county of Saginaw  
16 except the cities of Saginaw and Zilwaukee and the townships of  
17 Zilwaukee, Buena Vista, Carrollton, and Bridgeport, and has ~~3~~2  
18 judges. **HOWEVER, THE SECOND DIVISION HAS 3 JUDGES BEGINNING ON THE**  
19 **DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF DISTRICT JUDGE IN**  
20 **THE FIRST DIVISION, UNLESS THE VACANCY OCCURS AFTER A JUDGE'S**  
21 **SUCCESSOR IN OFFICE HAS BEEN ELECTED BUT BEFORE THAT SUCCESSOR**  
22 **TAKES OFFICE, OR THE BEGINNING DATE OF THE TERM FOR WHICH AN**  
23 **INCUMBENT DISTRICT JUDGE IN THE FIRST DIVISION NO LONGER SEEKS**  
24 **ELECTION OR REELECTION TO THAT OFFICE, WHICHEVER IS EARLIER. THE**  
25 **JUDGESHIP TRANSFERRED FROM THE FIRST DIVISION TO THE SECOND**  
26 **DIVISION IS NOT CONSIDERED AN ADDITIONAL JUDGESHIP FOR PURPOSES OF**  
27 **SECTION 8175 AND MAY BE FILLED BY APPOINTMENT BY THE GOVERNOR IF IT**

1 IS THE RESULT OF A VACANCY IN THE FIRST DIVISION.