

HOUSE BILL No. 6344

September 6, 2018, Introduced by Rep. Singh and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8125 (MCL 600.8125), as amended by 2012 PA 16.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 8125. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), THE**
2 fifty-fourth-a district consists of the city of Lansing, is a
3 district of the third class, and has ~~the following number of~~
4 judges:
- 5 — (a) ~~Until the date determined under subdivision (b) takes~~
6 ~~effect, this district has 5 judges.~~
- 7 — (b) ~~Beginning on the earlier of the following dates, the~~
8 ~~fifty-fourth-a district has 4 judges. ÷~~
- 9 — (i) ~~The date on which a vacancy occurs in the office of~~

~~district judge in the fifty-fourth-a district.~~

~~—— (ii) The beginning date of the term for which an incumbent
district judge in the fifty-fourth-a district no longer seeks
election or reelection to that office.~~

(2) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), THE** fifty-fourth-b district consists of the city of East Lansing, is a district of the third class, and has 2 judges.

(3) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), THE** fifty-fifth district consists of the county of Ingham except the cities of Lansing and East Lansing, is a district of the second class, and has 2 judges.

(4) IF THE GOVERNING BODY OF THE COUNTY OF INGHAM AND THE CITIES OF LANSING AND EAST LANSING APPROVE BY RESOLUTIONS THE CONSOLIDATION OF THE FIFTY-FOURTH-A, FIFTY-FOURTH-B, AND FIFTY-FIFTH DISTRICTS PRIOR TO NOVEMBER 1, 2019, ALL OF THE FOLLOWING APPLY BEGINNING MARCH 1, 2020:

(A) THE FIFTY-FOURTH-A, FIFTY-FOURTH-B, AND FIFTY-FIFTH DISTRICTS ARE ABOLISHED AND THE FIFTY-FOURTH DISTRICT IS CREATED. THE FIFTY-FOURTH DISTRICT IS A DISTRICT OF THE FIRST CLASS AND HAS THE FOLLOWING NUMBER OF JUDGES:

(i) UNTIL THE DATE DETERMINED UNDER SUBPARAGRAPH (ii) TAKES EFFECT, THIS DISTRICT HAS 8 JUDGES.

(ii) BEGINNING ON THE EARLIER OF THE FOLLOWING DATES, THE FIFTY-FOURTH DISTRICT HAS 7 JUDGES:

(A) THE DATE ON WHICH A VACANCY OCCURS IN THE OFFICE OF THE DISTRICT JUDGE IN THE FIFTY-FOURTH DISTRICT.

(B) THE BEGINNING DATE OF THE TERM FOR WHICH AN INCUMBENT

1 DISTRICT JUDGE NO LONGER SEEKS ELECTION OR REELECTION TO THAT
2 OFFICE.

3 (B) ALL FULL-TIME EMPLOYEES OF THE FORMER FIFTY-FOURTH-A,
4 FIFTY-FOURTH-B, AND FIFTY-FIFTH DISTRICTS MUST BE TRANSFERRED TO
5 THE FIFTY-FOURTH DISTRICT CREATED UNDER THIS SUBSECTION. EXCEPT AS
6 PROVIDED IN ANY AGREEMENT OF CONSOLIDATION BY THE DISTRICT CONTROL
7 UNITS OF THE FORMER FIFTY-FOURTH-A, FIFTY-FOURTH-B, AND FIFTY-FIFTH
8 DISTRICTS, SALARY, SENIORITY RIGHTS, ANNUAL LEAVE, SICK LEAVE, AND
9 RETIREMENT BENEFITS OF TRANSFERRED EMPLOYEES MUST BE PRESERVED AND
10 CONTINUED IN THEIR POSITIONS IN THE FIFTY-FOURTH DISTRICT CREATED
11 UNDER THIS SUBSECTION IN A MANNER NOT INFERIOR TO THEIR PRIOR
12 STATUS.

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

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

4 (5) SUBJECT TO SUBSECTION (4) (A) IF THE CONSOLIDATED DISTRICT
5 IS CREATED UNDER SUBSECTION (4), ALL OF THE FOLLOWING APPLY UNTIL 8
6 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
7 THIS SUBSECTION:

8 (A) THE FIFTY-FOURTH DISTRICT IS DIVIDED INTO THE FOLLOWING
9 ELECTION DIVISIONS:

10 (i) THE FIRST DIVISION CONSISTS OF THE CITY OF LANSING AND THE
11 TOWNSHIP OF LANSING AND HAS 4 JUDGES.

12 (ii) THE SECOND DIVISION CONSISTS OF THE CITY OF EAST LANSING
13 AND HAS 2 JUDGES.

14 (iii) THE THIRD DIVISION CONSISTS OF THE COUNTY OF INGHAM,
15 EXCEPT THE CITIES OF LANSING AND EAST LANSING AND THE TOWNSHIP OF
16 LANSING, AND HAS 2 JUDGES.

17 (B) EACH INCUMBENT DISTRICT JUDGE FROM THE FORMER FIFTY-
18 FOURTH-A, FIFTY-FOURTH-B, AND FIFTY-FIFTH DISTRICTS SHALL SERVE AS
19 A DISTRICT JUDGE IN THE CONSOLIDATED DISTRICT. EACH JUDGE FROM THE
20 FORMER FIFTY-FOURTH-A, FIFTY-FOURTH-B, AND FIFTY-FIFTH DISTRICTS IS
21 CONSIDERED AN INCUMBENT IN THE ELECTION DIVISION CREATED UNDER
22 SUBDIVISION (A) IN WHICH HE OR SHE RESIDES.

23 (6) UPON THE EXPIRATION OF 8 YEARS AFTER THE EFFECTIVE DATE OF
24 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE ELECTION
25 DIVISIONS CREATED UNDER SUBSECTION (5) ARE ABOLISHED AND THE JUDGES
26 OF THE FIFTY-FOURTH DISTRICT MUST BE ELECTED AT LARGE.

27 (7) IF THE CONSOLIDATED DISTRICT IS CREATED UNDER SUBSECTION

1 (4), A JURY TRIAL IN THE FIFTY-FOURTH DISTRICT CONDUCTED IN
2 CONNECTION WITH A CRIMINAL OFFENSE OR ANY OTHER EVENT THAT OCCURRED
3 IN THE CITY OF LANSING OR THE TOWNSHIP OF LANSING MUST BE BEFORE A
4 JURY OF CITIZENS FROM THOSE 2 JURISDICTIONS.

5 (8) IF THE CONSOLIDATED DISTRICT IS CREATED UNDER SUBSECTION
6 (4), A JURY TRIAL IN THE FIFTY-FOURTH DISTRICT CONDUCTED IN
7 CONNECTION WITH A CRIMINAL OFFENSE OR ANY OTHER EVENT THAT OCCURRED
8 IN THE CITY OF EAST LANSING MUST BE BEFORE A JURY OF CITIZENS OF
9 THAT JURISDICTION.

10 (9) IF THE CONSOLIDATED DISTRICT IS CREATED UNDER SUBSECTION
11 (4), A JURY TRIAL IN THE FIFTY-FOURTH DISTRICT CONDUCTED IN
12 CONNECTION WITH A CRIMINAL OFFENSE OR ANY OTHER EVENT THAT OCCURRED
13 IN THE COUNTY OF INGHAM, EXCEPT FOR THE CITIES OF LANSING AND EAST
14 LANSING OR THE TOWNSHIP OF LANSING, MUST BE BEFORE A JURY OF
15 CITIZENS FROM THE APPLICABLE JURISDICTIONS.