

Act No. 60
Public Acts of 2014
Approved by the Governor
March 26, 2014
Filed with the Secretary of State
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Heise, Cotter and Walsh

ENROLLED HOUSE BILL No. 5125

AN ACT to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” 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:

Sec. 8130. (1) The sixty-first district consists of the city of Grand Rapids, is a district of the third class and has 6 judges.

(2) The sixty-second-a district consists of the city of Wyoming, is a district of the third class and has 2 judges.

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

(4) Except as provided in subsection (5), the sixty-third district consists of the county of Kent, except the cities of Grand Rapids, Walker, Grandville, Wyoming and Kentwood, is a district of the second class, and is divided into the following election divisions:

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

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

(5) Beginning January 2, 2015, the sixty-third district consists of the county of Kent, except the cities of Grand Rapids, Walker, Grandville, Wyoming, and Kentwood, is a district of the second class, and has 2 judges. For purposes of the November 2020 general election only, the term of the candidate who receives the greatest number of votes is 8 years and the term of the candidate who receives the second greatest number of votes is 6 years. Subject to section 8175, the sixty-third district may have 1 additional judge beginning January 1, 2017. If this new district judgeship is added to the sixty-third district beginning January 1, 2017, the initial term of office of the judgeship shall be 8 years.

Sec. 8134. (1) Unless the sixty-seventh district court and the sixty-eighth district court are consolidated under subsection (4), the sixty-seventh district consists of the county of Genesee except the city of Flint, is a district of the second class, and is divided into the following election divisions:

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

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

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

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

(2) Unless the sixty-seventh district court and the sixty-eighth district court are consolidated under subsection (4), notwithstanding any other provision of this act, the county board of commissioners may by resolution designate the county seat as a place where the court for the sixty-seventh district shall sit in a central court facility. The adoption of a resolution described in this subsection does not require the approval of the majority of the judges of the district, and binds the county to maintain a court facility in each municipality in the sixty-seventh district where a court facility exists on the date of the resolution.

(3) Except as provided in subsection (4), the sixty-eighth district consists of the city of Flint, is a district of the third class, and has the following number of judges:

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

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

(i) The date on which a vacancy occurs in the office of district judge in the sixty-eighth district, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.

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

(4) If the governing body of the county of Genesee, by a vote of 2/3 of the commissioners elected and serving, and the governing body of the city of Flint approve by resolutions the consolidation of the sixty-seventh and sixty-eighth districts, all of the following apply:

(a) Beginning the first January 2 after the approval of both governing bodies, the sixty-eighth district is abolished and the sixty-seventh district consists of the county of Genesee, is a district of the first class, and is divided into the following election divisions:

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

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

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

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

(v) The fifth division consists of the city of Flint. The judgeships in the fifth division shall be filled by the incumbent judges of the sixty-eighth district, who shall become judges of the fifth division for the balance of the term to which they were elected or appointed. The fifth division has the following number of judges:

(A) If there are 5 judges in the sixty-eighth district at the time the sixty-seventh and sixty-eighth districts are consolidated, this division has 5 judges. This division has 4 judges beginning on the date on which a vacancy occurs in the office of district judge in this division unless the vacancy occurs after the vacating judge has been defeated in a primary or general election, or the beginning date of the term for which an incumbent district judge in this division no longer seeks election or reelection to that office, whichever is earlier.

(B) If there are 4 judges in the sixty-eighth district at the time the sixty-seventh and sixty-eighth districts are consolidated, this division has 4 judges.

(b) The clerk of the county of Genesee and the clerk of the city of Flint shall file copies of the resolutions with the state court administrator, who, as authorized by the supreme court, shall notify the elections division of the department of state that the consolidation has been approved under this section.

(c) For not less than 2 years after the effective date of the amendatory act that added this subdivision, the governing body of the county of Genesee shall maintain a court facility in each municipality within the county where a court facility exists on the effective date of the amendatory act that added this subdivision. The governing body of the county of Genesee may maintain court facilities in any municipality within the county after the 2-year period described in this subdivision has elapsed.

(d) By proposing or authorizing the consolidation of the sixty-seventh and sixty-eighth districts, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit beyond that required by existing law, as the elements of that option are provided by 1979 PA 101, MCL 21.231 to 21.244, and a voluntary acceptance by that

district control unit of all expenses and capital improvements that may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary that is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law that takes effect on or after December 23, 1978.

(e) Sections 8177 and 8178 do not apply to the consolidation of the sixty-seventh and sixty-eighth districts.

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

(a) The first division consists of the cities of Saginaw and Zilwaukee and the townships of Zilwaukee, Buena Vista, Carrollton, and Bridgeport, and has 3 judges. However, the first division has 2 judges beginning on the date on which a vacancy occurs in the office of district judge in the first division unless the vacancy occurs after the vacating judge has been defeated in a primary or general election, or the beginning date of the term for which an incumbent district judge in the first division no longer seeks election or reelection to that office, whichever is earlier.

(b) The second division consists of the county of Saginaw, except the cities of Saginaw and Zilwaukee and the townships of Zilwaukee, Buena Vista, Carrollton, and Bridgeport, and has 2 judges. However, the second division has 3 judges beginning on the date on which a vacancy occurs in the office of district judge in the first division, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election, or the beginning date of the term for which an incumbent district judge in the first division no longer seeks election or reelection to that office, whichever is earlier. The judgeship transferred from the first division to the second division is not considered an additional judgeship for purposes of section 8175 and may be filled by appointment by the governor if it is the result of a vacancy in the first division.

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

- (a) House Bill No. 5121.
- (b) House Bill No. 5122.
- (c) House Bill No. 5123.
- (d) House Bill No. 5124.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor