

SENATE BILL No. 471

September 10, 2015, Introduced by Senator ROBERTSON and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8123 and 8134 (MCL 600.8123 and 600.8134), section 8123 as amended by 2014 PA 58 and section 8134 as amended by 2014 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8123. (1) The forty-third district consists of the cities
2 of Madison Heights, Ferndale, and Hazel Park, is a district of the
3 third class, and has 3 judges.

4 (2) Except as otherwise provided in this subsection, the
5 forty-fourth district consists of the city of Royal Oak, is a
6 district of the third class, and has 2 judges. Beginning January 2,
7 2015, the forty-fourth district consists of the cities of Royal Oak
8 and Berkley and has the following number of judges:

9 (a) Until the dates determined under subdivisions (b) and (c),

1 3 judges.

2 (b) Beginning January 3, 2015, the forty-fourth district has 2
3 judges beginning on the earlier of the following dates:

4 (i) The date on which a vacancy occurs in the office of
5 district judge in the forty-fourth district, unless the vacancy
6 occurs after the vacating judge has been defeated in a primary or
7 general election.

8 (ii) The beginning date of the term for which an incumbent
9 district judge in the forty-fourth district no longer seeks
10 election or reelection to that office.

11 (c) Following the reduction in the number of judgeships from 3
12 to 2 under subdivision (b), the forty-fourth district has 1 judge
13 beginning on the earlier of the following dates:

14 (i) The date on which a vacancy occurs in the office of
15 district judge in the forty-fourth district, unless the vacancy
16 occurs after the vacating judge has been defeated in a primary or
17 general election.

18 (ii) The beginning date of the term for which an incumbent
19 district judge in the forty-fourth district no longer seeks
20 election or reelection to that office.

21 (3) Except as otherwise provided in this subsection, the
22 forty-fifth-a district is created, consists of the city of Berkley,
23 is a district of the third class, and has 1 judge. The person
24 serving as judge of the forty-fifth-a district on June 30, 2012, or
25 his or her successor, shall serve as judge of the forty-fifth-a
26 district until that district is abolished under this subsection.
27 For purposes of the November 2014 general election only, the term

1 of the person elected district judge in the forty-fifth-a district
2 is 8 years. Beginning January 2, 2015, the forty-fifth-a district
3 is abolished and the judge of the forty-fifth-a district shall
4 become a judge of the forty-fourth district for the balance of the
5 term to which he or she was elected or appointed. Sections 8175 and
6 8176 do not apply to the reorganization of the forty-fourth, forty-
7 fifth, forty-fifth-a, and forty-fifth-b districts. Any physical
8 reorganization required to accomplish the reorganization of
9 district boundaries under this subsection and subsection (2) shall
10 be completed no later than January 1, 2021.

11 (4) Except as otherwise provided in this subsection, the
12 forty-fifth-b district consists of the cities of Huntington Woods,
13 Oak Park, and Pleasant Ridge and the township of Royal Oak in the
14 county of Oakland, is a district of the third class, and has 2
15 judges. Beginning July 1, 2012, the forty-fifth district is
16 created. The forty-fifth district consists of the cities of
17 Huntington Woods, Oak Park, and Pleasant Ridge and the township of
18 Royal Oak in the county of Oakland, is a district of the third
19 class, and has 2 judges. Beginning July 1, 2012, the forty-fifth-b
20 district is abolished and the judges of the forty-fifth-b district
21 shall become judges of the forty-fifth district for the balance of
22 the term to which they were elected or appointed. For purposes of
23 the November 2014 general election only, the term of the candidate
24 for district judge in the forty-fifth judicial district who
25 receives the greatest number of votes is 8 years and the term of
26 the candidate for district judge in the forty-fifth judicial
27 district who receives the second greatest number of votes is 6

1 years.

2 (5) The forty-sixth district consists of the cities of
3 Southfield and Lathrup Village and the township of Southfield in
4 the county of Oakland, is a district of the third class, and has 3
5 judges.

6 (6) The forty-seventh district consists of the cities of
7 Farmington and Farmington Hills, is a district of the third class,
8 and has 2 judges.

9 (7) The forty-eighth district consists of the cities of
10 Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and
11 Orchard Lake Village and the townships of Bloomfield and West
12 Bloomfield in the county of Oakland, is a district of the third
13 class, and has the following number of judges:

14 (a) Until the date determined under subdivision (b), the
15 forty-eighth district has 3 judges.

16 (b) The forty-eighth district has 2 judges beginning on the
17 earlier of the following dates:

18 (i) The date on which a vacancy occurs in the office of
19 district judge in this district, unless the vacancy occurs after
20 the vacating judge has been defeated in a primary or general
21 election.

22 (ii) The beginning date of the term for which an incumbent
23 district judge in this district no longer seeks election or
24 reelection to that office.

25 (8) The fiftieth district consists of the city of Pontiac, is
26 a district of the third class, and has the following number of
27 judges:

1 (a) Until the date determined under subdivision (b), 4 judges.

2 (b) The fiftieth district has 3 judges beginning on the
3 earlier of the following dates:

4 (i) The date on which a vacancy occurs in the office of
5 district judge in this district, unless the vacancy occurs after
6 the vacating judge has been defeated in a primary or general
7 election.

8 (ii) The beginning date of the term for which an incumbent
9 district judge in this district no longer seeks election or
10 reelection to that office.

11 (9) The fifty-first district consists of the township of
12 Waterford in the county of Oakland, is a district of the third
13 class, and has 2 judges.

14 (10) The fifty-second district consists of the county of
15 Oakland except the cities of Madison Heights, Ferndale, Hazel Park,
16 Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge,
17 Southfield, Lathrup Village, Farmington, Farmington Hills,
18 Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village,
19 Birmingham, Bloomfield Hills, and Pontiac and the townships of
20 Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford,
21 is a district of the second class, and is divided into the
22 following election divisions:

23 (a) The first division consists of the cities of Novi, South
24 Lyon, Wixom, and Walled Lake and the townships of Milford,
25 Highland, Commerce, Lyon, and Novi and has 3 judges.

26 (b) The second division consists of the city of the village of
27 Clarkston and the townships of Springfield, Independence, ~~Holly,~~

1 Groveland, Brandon, Rose, and White Lake and has 2 judges.

2 (c) The third division consists of the cities of Rochester,
3 Auburn Hills, Rochester Hills, and Lake Angelus and the townships
4 of Oxford, Addison, Orion, and Oakland and has 3 judges.

5 (d) The fourth division consists of the cities of Troy and
6 Clawson and has 2 judges.

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

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

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

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

20 (d) The fourth division consists of the cities of ~~Fenton,~~
21 Grand Blanc, —and Swartz Creek and the townships of Fenton,
22 Argentine, Grand Blanc, Mundy, Gaines, and Clayton and has 2
23 judges. **THE FOURTH DIVISION ALSO INCLUDES THE CITY OF FENTON, WHICH**
24 **IS LOCATED IN BOTH THE COUNTIES OF GENESEE AND OAKLAND.**

25 (2) Unless the sixty-seventh district court and the sixty-
26 eighth district court are consolidated under subsection (4),
27 notwithstanding any other provision of this act, the county board

1 of commissioners may by resolution designate the county seat as a
2 place where the court for the sixty-seventh district shall sit in a
3 central court facility. The adoption of a resolution described in
4 this subsection does not require the approval of the majority of
5 the judges of the district, and binds the county to maintain a
6 court facility in each municipality in the sixty-seventh district
7 where a court facility exists on the date of the resolution.

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

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

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

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

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

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

27 (a) Beginning the first January 2 after the approval of both

1 governing bodies, the sixty-eighth district is abolished and the
2 sixty-seventh district consists of the county of Genesee, is a
3 district of the first class, and is divided into the following
4 election divisions:

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

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

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

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

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

23 (A) If there are 5 judges in the sixty-eighth district at the
24 time the sixty-seventh and sixty-eighth districts are consolidated,
25 this division has 5 judges. This division has 4 judges beginning on
26 the date on which a vacancy occurs in the office of district judge
27 in this division unless the vacancy occurs after the vacating judge

1 has been defeated in a primary or general election, or the
2 beginning date of the term for which an incumbent district judge in
3 this division no longer seeks election or reelection to that
4 office, whichever is earlier.

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

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

13 (c) For not less than 2 years after ~~the effective date of the~~
14 ~~amendatory act that added this subdivision, MARCH 27, 2014,~~ the
15 governing body of the county of Genesee shall maintain a court
16 facility in each municipality within the county where a court
17 facility exists on ~~the effective date of the amendatory act that~~
18 ~~added this subdivision. MARCH 27, 2014.~~ The governing body of the
19 county of Genesee may maintain court facilities in any municipality
20 within the county after ~~the 2-year period described in this~~
21 ~~subdivision has elapsed. MARCH 27, 2016.~~

22 (d) By proposing or authorizing the consolidation of the
23 sixty-seventh and sixty-eighth districts, the legislature is not
24 creating a new obligation for any affected district control unit.
25 If a district control unit, acting through its governing body,
26 approves the consolidation, then the approval constitutes an
27 exercise of the district control unit's option to increase the

1 level of activity and service offered in that district control unit
2 beyond that required by existing law, as the elements of that
3 option are provided by 1979 PA 101, MCL 21.231 to 21.244, and a
4 voluntary acceptance by that district control unit of all expenses
5 and capital improvements that may result from the consolidation of
6 the districts. However, the exercise of the option does not affect
7 the state's obligation to pay the same portion of each judge's
8 salary that is paid by the state to other district judges as
9 provided by law, or to appropriate and disburse funds to the
10 district control unit for the necessary costs of state requirements
11 established by a state law that takes effect on or after December
12 23, 1978.

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

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.