SUBSTITUTE FOR

HOUSE BILL NO. 5160

A bill to amend 1961 PA 236, entitled

"Revised judicature act of 1961,"

by amending section 302 (MCL 600.302), as amended by 2001 PA 117.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 302. **(1)** The state is divided into 4 judicial districts

2 for the election of judges of the court of appeals. ~~Each~~ **EXCEPT AS**

3 **OTHERWISE PROVIDED IN SUBSECTIONS (3) AND (4), EACH** district is

4 entitled to 7 judges. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN**

5 **SUBSECTION (2), THE** districts are constituted and numbered as

6 follows:

7   (a) District 1 consists of the counties of Calhoun, Hillsdale,

8 Lenawee, Monroe, and Wayne.

9   (b) District 2 consists of the counties of Genesee, Macomb,

1 Oakland, and Shiawassee.

2   (c) District 3 consists of the counties of Allegan, Barry,

3 Berrien, Branch, Cass, Eaton, Ionia, Jackson, Kalamazoo, Kent,

4 Muskegon, Newaygo, Ottawa, St. Joseph, Van Buren, and Washtenaw.

5   (d) District 4 consists of the counties of Alcona, Alger,

6 Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan,

7 Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet,

8 Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham,

9 Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau,

10 Livingston, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta,

11 Menominee, Midland, Missaukee, Montcalm, Montmorency, Oceana,

12 Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle,

13 Roscommon, Saginaw, Sanilac, Schoolcraft, St. Clair, Tuscola, and

14 Wexford.

15   **(2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**

16 **ADDED THIS SUBSECTION, THE DISTRICTS ARE CONSTITUTED AND NUMBERED**

17 **AS FOLLOWS:**

18   **(A) DISTRICT 1 CONSISTS OF THE COUNTIES OF BARRY, CALHOUN,**

19 **HILLSDALE, JACKSON, LENAWEE, MONROE, AND WAYNE.**

20   **(B) DISTRICT 2 CONSISTS OF THE COUNTIES OF GENESEE, MACOMB,**

21 **AND OAKLAND.**

22   **(C) DISTRICT 3 CONSISTS OF THE COUNTIES OF ALLEGAN, BENZIE,**

23 **BERRIEN, BRANCH, CASS, CLARE, CRAWFORD, EATON, GLADWIN, IONIA,**

24 **ISABELLA, KALAMAZOO, KALKASKA, KENT, LAKE, MANISTEE, MASON,**

25 **MECOSTA, MISSAUKEE, MONTCALM, MUSKEGON, NEWAGO, OCEANA, OGEMAW,**

26 **OSCEOLA, OTTAWA, ROSCOMMON, ST. JOSEPH, AND VAN BUREN.**

27   **(D) DISTRICT 4 CONSISTS OF THE COUNTIES OF ALCONA, ALGER,**

1 ALPENA, ANTRIM, ARENAC, BARAGA, BAY, CHARLEVOIX, CHEBOYGAN,

2 CHIPPEWA, CLINTON, DELTA, DICKINSON, EMMET, GOGEBIC, GRAND

3 TRAVERSE, GRATIOT, HOUGHTON, HURON, INGHAM, IOSCO, IRON, KEWEENAW,

4 LAPEER, LEELANAU, LIVINGSTON, LUCE, MACKINAC, MARQUETTE, MENOMINEE,

5 MIDLAND, MONTMORENCY, ONTONAGON, OSCODA, OTSEGO, PRESQUE ISLE,

6 SAGINAW, SANILAC, SCHOOLCRAFT, SHIAWASSEE, ST. CLAIR, TUSCOLA,

7 WASHTENAW, AND WEXFORD.

8 (3) TO PROVIDE 7 JUDGES IN DISTRICT 2 AND 7 JUDGES IN DISTRICT

9 4:

10 (A) UNTIL THERE ARE 7 INCUMBENT JUDGES IN EACH DISTRICT, 1

11 JUDGESHIP SHALL BE MOVED FROM DISTRICT 4 TO DISTRICT 2 AT THE END

12 OF THE TERM OR THE OCCURRENCE OF A VACANCY IN OFFICE FOR THE FIRST

13 INCUMBENT JUDGE OF THE COURT OF APPEALS AFTER THE EFFECTIVE DATE OF

14 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION WHO IS

15 CONSTITUTIONALLY INELIGIBLE TO SEEK REELECTION BECAUSE OF AGE UNDER

16 SECTION 19 OF ARTICLE VI OF THE STATE CONSTITUTION OF 1963.

17 (B) DISTRICT 2 SHALL CONSIST OF 7 JUDGES WHEN A JUDGESHIP IS

18 MOVED UNDER SUBDIVISION (A). A JUDGESHIP MOVED UNDER SUBDIVISION

19 (A) FOR REASON OF VACANCY SHALL BE FILLED BY APPOINTMENT BY THE

20 GOVERNOR PURSUANT TO SECTION 23 OF ARTICLE VI OF THE STATE

21 CONSTITUTION OF 1963. A JUDGESHIP MOVED UNDER SUBDIVISION (A) AT

22 THE END OF THE TERM SHALL BE FILLED BY ELECTION AS PROVIDED BY LAW.

23 (4) TO PROVIDE 7 JUDGES IN DISTRICT 1 AND 7 JUDGES IN DISTRICT

24 3, UNTIL THERE ARE 7 INCUMBENT JUDGES IN EACH DISTRICT, ANY VACANCY

25 THAT EXISTS ON THE EFFECTIVE DATE ON THE AMENDATORY ACT THAT ADDED

26 THIS SUBSECTION SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR

27 PURSUANT TO SECTION 23 OF ARTICLE VI OF THE STATE CONSTITUTION OF

1   1963.