

Act No. 58
Public Acts of 2014
Approved by the Governor
March 26, 2014
Filed with the Secretary of State
March 27, 2014
EFFECTIVE DATE: March 27, 2014

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Cotter and Walsh

ENROLLED HOUSE BILL No. 5123

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 518, 524, 8116, 8121, 8121a, and 8123 (MCL 600.518, 600.524, 600.8116, 600.8121, 600.8121a, and 600.8123), section 518 as amended by 2006 PA 99, section 524 as amended by 2012 PA 35, section 8116 as amended by 2012 PA 19, section 8121 as amended by 2012 PA 37, section 8121a as amended by 1988 PA 135, and section 8123 as amended by 2012 PA 624.

The People of the State of Michigan enact:

Sec. 518. The seventeenth judicial circuit consists of the county of Kent and has 10 judges. Subject to section 550, this judicial circuit may have 1 additional judge beginning January 1, 2017.

Sec. 524. (1) Except as provided in subsection (2), the twenty-third judicial circuit consists of the counties of Alcona, Arenac, Iosco, and Oscoda and has 2 judges. For purposes of the November 2008 general election only, the term of the candidate for circuit judge in this circuit who receives the highest number of votes is 8 years, and the term of the candidate receiving the second highest number of votes is 6 years.

(2) Beginning on the earlier of the following dates, the twenty-third judicial circuit has 1 judge:

(a) The date on which a vacancy occurs in the office of circuit judge in the twenty-third judicial circuit, unless the vacancy occurs after the vacating judge has been defeated in a primary or general election.

(b) The beginning date of the term for which an incumbent circuit judge in the twenty-third judicial circuit no longer seeks election or reelection to that office.

Sec. 8116. The seventh district consists of the county of Van Buren, is a district of the first class, and has 2 judges.

Sec. 8121. (1) The sixteenth district consists of the city of Livonia, is a district of the third class, and has 2 judges.

(2) The seventeenth district consists of the township of Redford in the county of Wayne, is a district of the third class, and has 2 judges.

(3) Except as otherwise provided in this subsection, the eighteenth district consists of the city of Westland, is a district of the third class, and has 2 judges. If the governing bodies of the cities of Westland and Wayne approve by resolutions the consolidation of the eighteenth and twenty-ninth districts prior to January 1, 2016, all of the following apply beginning January 1, 2016:

(a) The twenty-ninth district is abolished and the eighteenth district consists of the cities of Westland and Wayne, is a district of the third class, and has 3 judges. The additional judgeship in the eighteenth district shall be filled by the incumbent judge of the twenty-ninth district, who shall become a judge of the eighteenth district for the balance of the term to which he or she was elected or appointed. For purposes of the November 2018 general election only, the term of the candidate for district judge in the eighteenth district who receives the greatest number of votes is 10 years and the term of the candidate for district judge in the eighteenth district who receives the second greatest number of votes is 6 years.

(b) The clerks of the cities of Westland and Wayne 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. A resolution that is filed before January 2, 2015 is a valid approval of the consolidation.

(c) By proposing or authorizing the consolidation of the eighteenth and twenty-ninth 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 becomes effective on or after December 23, 1978.

(4) The nineteenth district consists of the city of Dearborn, is a district of the third class, and has 3 judges.

(5) The twentieth district consists of the city of Dearborn Heights, is a district of the third class, and has 2 judges.

(6) The twenty-first district consists of the city of Garden City, is a district of the third class, and has 1 judge.

(7) The twenty-second district consists of the city of Inkster, is a district of the third class, and has 1 judge.

(8) The twenty-third district consists of the city of Taylor, is a district of the third class, and has 2 judges.

(9) The twenty-fourth district consists of the cities of Allen Park and Melvindale, is a district of the third class, and has 2 judges.

(10) The twenty-fifth district consists of the cities of Ecorse, Lincoln Park, and River Rouge, is a district of the third class, and has 2 judges.

(11) If the governing bodies of the cities of Southgate, Wyandotte, and Riverview approve by resolutions the formation of the twenty-sixth district by the consolidation of the twenty-seventh and twenty-eighth districts prior to January 1, 2016, all of the following apply beginning January 1, 2016:

(a) The twenty-sixth district is created by the consolidation of the former twenty-seventh and twenty-eighth districts, consists of the cities of Southgate, Wyandotte, and Riverview, is a district of the third class, and has 2 judges. The judgeships in the twenty-sixth district shall be filled by the individuals who were judges of the twenty-seventh and twenty-eighth districts on December 31, 2015, and who shall serve as judges of the twenty-sixth district for the balance of the terms to which they were elected or appointed. The twenty-seventh and twenty-eighth districts shall cease to exist as separate districts.

(b) The clerks of the cities of Southgate, Wyandotte, and Riverview 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. A resolution that is filed before January 2, 2015 is a valid approval of the consolidation.

(c) By proposing or authorizing the consolidation of the twenty-seventh and twenty-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 becomes effective on or after December 23, 1978.

(12) Except as otherwise provided in subsection (11), the twenty-seventh district consists of the cities of Wyandotte and Riverview, is a district of the third class, and has 1 judge.

(13) Except as otherwise provided in subsection (11), the twenty-eighth district consists of the city of Southgate, is a district of the third class, and has 1 judge.

(14) Except as otherwise provided in subsection (3), the twenty-ninth district consists of the city of Wayne, is a district of the third class, and has 1 judge.

(15) The thirtieth district consists of the city of Highland Park, is a district of the third class, and has 1 judge.

(16) The thirty-first district consists of the city of Hamtramck, is a district of the third class, and has 1 judge.

(17) The thirty-second-a district consists of the city of Harper Woods, is a district of the third class, and has 1 judge.

(18) The thirty-second-b district consists of the cities of Grosse Pointe Woods, Grosse Pointe Park, Grosse Pointe, and Grosse Pointe Farms, and the village of Grosse Pointe Shores, is a district of the third class, and has 1 judge.

(19) The thirty-third district consists of the cities of Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the townships of Brownstown and Grosse Ile in the county of Wayne, is a district of the third class, and has the following number of judges:

(a) Until the date determined under subdivision (b), 3 judges.

(b) Beginning on the earlier of the following dates, 2 judges:

(i) The date on which a vacancy occurs in the office of district judge in this 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 this district no longer seeks election or reelection to that office.

(20) The thirty-fourth district consists of the townships of Sumpter, Van Buren, and Huron in the county of Wayne and the cities of Romulus and Belleville, is a district of the third class, and has 3 judges.

(21) The thirty-fifth district consists of the cities of Northville and Plymouth and the townships of Northville, Plymouth, and Canton in the county of Wayne, is a district of the third class, and has 3 judges.

Sec. 8121a. The thirty-sixth district consists of the city of Detroit, is a district of the third class, and has the following number of judges:

(a) Until 12 noon, January 1, 2015, 31 judges.

(b) Beginning 12 noon, January 1, 2015, 30 judges. The 1 judgeship eliminated from this district at 12 noon, January 1, 2015 shall be the judgeship of a judge who is not eligible to run for reelection in 2014 due to constitutional limitation on the effective date of the amendatory act that added this subdivision.

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

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

(a) Until the dates determined under subdivisions (b) and (c), 3 judges.

(b) Beginning January 3, 2015, the forty-fourth district has 2 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 forty-fourth 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 forty-fourth district no longer seeks election or reelection to that office.

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

(i) The date on which a vacancy occurs in the office of district judge in the forty-fourth 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 forty-fourth district no longer seeks election or reelection to that office.

(3) Except as otherwise provided in this subsection, the forty-fifth-a district is created, consists of the city of Berkley, is a district of the third class, and has 1 judge. The person serving as judge of the forty-fifth-a district on June 30, 2012, or his or her successor, shall serve as judge of the forty-fifth-a district until that district is abolished under this subsection. For purposes of the November 2014 general election only, the term of the person elected district judge in the forty-fifth-a district is 8 years. Beginning January 2, 2015, the forty-fifth-a district is abolished and the judge of the forty-fifth-a district shall become a judge of the forty-fourth district for the balance of the term to which he or she was elected or appointed. Sections 8175 and 8176 do not apply to the reorganization of the forty-fourth, forty-fifth, forty-fifth-a, and forty-fifth-b districts. Any physical reorganization required to accomplish the reorganization of district boundaries under this subsection and subsection (2) shall be completed no later than January 1, 2021.

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

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

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

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

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

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

(i) The date on which a vacancy occurs in the office of district judge in this 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 this district no longer seeks election or reelection to that office.

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

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

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

(i) The date on which a vacancy occurs in the office of district judge in this 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 this district no longer seeks election or reelection to that office.

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

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

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

(b) The second division consists of the city of the village of Clarkston and the townships of Springfield, Independence, Holly, Groveland, Brandon, Rose, and White Lake and has 2 judges.

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

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

Enacting section 1. Section 8121 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8121, as amended by this amendatory act, takes effect on January 2, 2015.

Enacting section 2. 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.

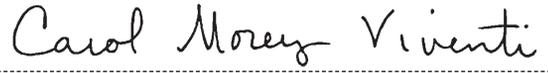
(c) House Bill No. 5124.

(d) House Bill No. 5125.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor