

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senators Pappageorge and Gregory

ENROLLED SENATE BILL No. 1351

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 302, 303a, 8123, and 8132 (MCL 600.302, 600.303a, 600.8123, and 600.8132), section 302 as amended and section 303a as added by 2012 PA 40, section 8123 as amended by 2012 PA 37, and section 8132 as amended by 2011 PA 300.

The People of the State of Michigan enact:

Sec. 302. The state is divided into 4 judicial districts for the election of judges of the court of appeals. Except as otherwise provided in this section, each district is entitled to 7 judges. Beginning on the date as determined under section 303a, each district is entitled to 6 judges. The districts are constituted and numbered as follows:

- (a) District 1 consists of the counties of Branch, Hillsdale, Kalamazoo, Lenawee, Monroe, St. Joseph, and Wayne.
- (b) District 2 consists of the counties of Genesee, Macomb, and Oakland.
- (c) District 3 consists of the counties of Allegan, Barry, Berrien, Calhoun, Cass, Eaton, Ionia, Jackson, Kent, Mason, Montcalm, Muskegon, Newaygo, Oceana, Ottawa, Van Buren, and Washtenaw.
- (d) District 4 consists of the counties of Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Clinton, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Gratiot, Houghton, Huron, Ingham, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Lapeer, Leelanau, Livingston, Luce, Mackinac, Manistee, Marquette, Mecosta, Menominee, Midland, Missaukee, Montmorency, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Sanilac, Schoolcraft, Shiawassee, St. Clair, Tuscola, and Wexford.

Sec. 303a. To effectuate the transition to 6 judges in each district, each district is entitled to 6 judges as follows:

- (a) If there are not more than 6 incumbent court of appeals judges in a district on March 25, 2012, the number of judgeships in that district shall remain at 6.

(b) If there are more than 6 court of appeals judgeships in a district on March 25, 2012 and 1 of those judgeships is vacant, that judgeship is eliminated. If more than 1 of the judgeships in that district is vacant, only the vacant judgeship with the shortest remaining term is eliminated. If the elimination of a judgeship results in 6 incumbent court of appeals judges in that district, the number of judgeships in that district shall remain at 6.

(c) Except as otherwise provided in this subdivision, if there are more than 6 court of appeals judgeships in a district on March 25, 2012 and there are no judgeships to be eliminated under subdivision (b), 1 judgeship shall be eliminated from the district at the beginning of the term for which an incumbent judge of the court of appeals does not seek election or reelection to that office until there are 6 incumbent judges in that district. Thereafter, the number of judgeships in the district shall remain at 6. However, a judgeship held by an incumbent judge who is serving by appointment of the governor shall not be eliminated under this subdivision unless the judge does not seek election at the first general election held after the vacancy to which he or she was appointed occurred, as provided in section 23 of article VI of the state constitution of 1963, or does not seek reelection at the end of a subsequent term.

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.

(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.

(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 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 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. 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 highest 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 highest number of votes is 6 years.

(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-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.

(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.

(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.

(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.

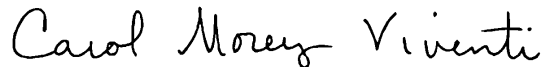
(c) The third division consists of the cities of Rochester, Auburn Hills, Rochester Hills, and Lake Angelus and the townships of Oxford, Addison, Orion, and Oakland and has 3 judges.

(d) Except as otherwise provided in this subdivision, the fourth division consists of the cities of Troy and Clawson and has 3 judges. Beginning 12 noon, January 1, 2013, the fourth division has 2 judges.

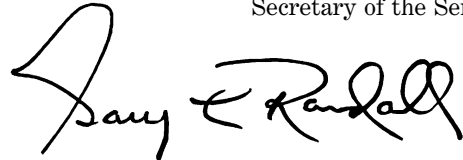
Sec. 8132. (1) Until 12 noon, January 1, 2015, the sixty-fifth-a district consists of the county of Clinton, is a district of the first class, and has 1 judge. Beginning 12 noon, January 1, 2015, the sixty-fifth-a district consists of the county of Clinton and is a district of the first class. Under section 810a, the probate judge for the county of Clinton shall serve as the judge of the sixty-fifth-a district.

(2) The sixty-fifth-b district consists of the county of Gratiot, is a district of the first class, and has 1 judge.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor