

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

***** 600.8134.amended THIS AMENDED SECTION IS EFFECTIVE JUNE 13, 2016 *****

600.8134.amended Sixty-seventh and sixty-eighth districts.

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 Grand Blanc and Swartz Creek and the townships of Fenton, Argentine, Grand Blanc, Mundy, Gaines, and Clayton and has 2 judges. The fourth division also includes the city of Fenton, which is located in both the counties of Genesee and Oakland.

(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), 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 Grand Blanc and Swartz Creek and the townships of Fenton, Argentine, Grand Blanc, Mundy, Gaines, and Clayton and has 2 judges. The fourth division also includes the city of Fenton, which is located in both the counties of Genesee and Oakland.

(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 March 27, 2014, 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 March 27, 2014. The governing body of the county of Genesee may maintain court facilities in any municipality within the county after March 27, 2016.

(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.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1972, Act 169, Imd. Eff. June 15, 1972;—Am. 1974, Act 145, Imd. Eff. June 7, 1974;—Am. 1980, Act 129, Imd. Eff. May 22, 1980;—Am. 1987, Act 75, Imd. Eff. June 29, 1987;—Am. 2001, Act 253, Eff. Mar. 22, 2002;—Am. 2012, Act 16, Imd. Eff. Feb. 22, 2012;—Am. 2014, Act 60, Imd. Eff. Mar. 27, 2014;—Am. 2016, Act 41, Eff. June 13, 2016.

Compiler's note: Sections 2 to 7 of Act 145 of 1974 provide:

"Effective date of changes.

"Section 2. The changes in the composition of judicial circuits or district court districts as provided in this amendatory act shall become effective for judicial purposes on January 1, 1975.

"Election of additional circuit and district judges; assumption of office; appearance of new judgeships on ballot; nominating petitions; incumbent judges.

"Section 3. The additional circuit and district judges authorized by this amendatory act shall be elected in 1974 and shall assume office on January 1, 1975. The new judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective judicial circuits and district court districts. If another judicial office of the same court is to be filled by election in the same circuit or district, a candidate for a new judgeship authorized in that circuit or district by this amendatory act shall indicate, at the time of filing his nominating petitions, whether he is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in the applicable year. Petitions for a new judgeship created by this act must bear signatures affixed thereto after the effective date of this act. Any incumbent circuit or district judge whose term is expiring January 1, 1975, and who is seeking election to a judicial office of the same court in 1974 is entitled to the designation of his office even if he is a candidate for a new office of the same court authorized by this amendatory act.

"Nominating petitions.

"Section 4. Notwithstanding any other provision of law, nominating petitions for the offices added by this 1974 amendatory act shall contain not less than 1/2 of 1% nor more than 2% of the total number of votes cast in that judicial circuit for secretary of state at the last preceding general November election in which a secretary of state was elected.

"Nomination, election, and terms of candidates for new circuit judgeships.

"Section 5. Notwithstanding the provisions of sections 3 and 4 of Act No. 169 of the Public Acts of 1972, the 10 candidates for the new circuit judgeships in the third judicial circuit created by Act No. 169 of the Public Acts of 1972 who receive the highest votes in the August primary election shall be deemed nominated for the 5 new judgeships created thereby. Of the additional judgeships so created for the third judicial circuit the candidate receiving the highest number of votes in the 1974 general election shall be elected for a term of 10 years, the candidates receiving the second and third highest number of votes shall be elected for a term of 8 years, and the candidates receiving the fourth and fifth highest number of votes shall be elected for a term of 6 years.

"Terms of additional circuit judges.

"Section 6. The additional circuit judges authorized by this amendatory act shall be elected for a term of 6 years except that the additional circuit judge authorized by this amendatory act in the forty-fourth judicial circuit shall be elected for a term of 8 years.

"Terms of additional district judges in certain districts.

"Section 7. In districts in which the district court is already functioning on the effective date of this amendatory act, the additional district judges authorized by this amendatory act shall be elected for a term of 6 years, except that the additional district judges authorized in the first election division of the ninth district and in the fifteenth district shall be elected for a term of 8 years and that the additional district judge authorized in the newly divided forty-first-a district shall be elected for a term of 4 years."

Sections 2 to 5 of Act 129 of 1980 provide:

"New circuit and district judgeships; appearance on ballot; duty of candidate; petitions; filing fee.

"Section 2. The new circuit and district judgeships authorized by this amendatory act shall appear on the ballot separate and apart from other judicial offices on the ballot in the primary and general election in the respective circuits and district court districts. If another judicial office of the same court is to be filled by election in the same circuit, county, or district, a candidate for a new judgeship authorized in that circuit, county, or district by this amendatory act shall indicate, at the time of filing nominating petitions, whether the candidate is filing for a new judgeship or for 1 of the other judicial offices of the same court to be filled by election in 1980. Petitions for a new judgeship created pursuant to this amendatory act shall bear signatures affixed to the petition after the date by which all counties in the circuit, all district control units in the district, or, in the case of a probate judgeship, the county, have adopted the resolutions required

by law to create that office. Notwithstanding any other provision of law, a nonreturnable filing fee of \$250.00 may be paid up to 4 p.m. on June 3, 1980 in lieu of petitions for new judgeships authorized by this 1980 amendatory act which are to be filled by election in 1980.

“Additional circuit judgeship for third judicial circuit; terms.

“Section 3. If the additional circuit judgeship permitted by this amendatory act for the third judicial circuit is created pursuant to law, the candidate receiving the highest number of votes in the 1980 general election shall be elected for a term of 8 years, and the candidate receiving the second highest number of votes shall be elected for a term of 6 years.

“Additional circuit judgeship for sixteenth judicial circuit; term.

“Section 4. If the additional circuit judgeship permitted by this amendatory act for the sixteenth judicial circuit is created pursuant to law, the first term of that

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(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) 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 such a resolution shall not require the approval of the majority of the judges of the district, and shall bind 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) 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 subdivision (b) takes effect, this district has 6 judges.

(b) This district has 5 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 reelection to that office.

“Change in composition of affected judicial circuits; effective date.

“Section 5. If a new judicial circuit of the circuit court is created pursuant to section 550a, the change in the composition of the affected judicial circuits shall take effect for judicial purposes on January 1, 1981. If the fifty-fourth judicial circuit is created pursuant to this act, the incumbent circuit judge of the fortieth judicial circuit who resides in Tuscola county shall become the judge of the fifty-fourth judicial circuit on January 1, 1981, and shall serve until the term for which he was elected in the fortieth judicial circuit expires.”