

Act No. 14
Public Acts of 1998
Approved by the Governor
March 4, 1998
Filed with the Secretary of State
March 5, 1998
EFFECTIVE DATE: March 5, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Fitzgerald and Geiger

ENROLLED HOUSE BILL No. 5279

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 such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 8126 (MCL 600.8126).

The People of the State of Michigan enact:

Sec. 8126. (1) Except as provided in subsection (2), the fifty-sixth district consists of the counties of Barry and Eaton, is a district of the first class, and is divided into the following election divisions:

- (a) The first division consists of the county of Barry and has 1 judge.
- (b) The second division consists of the county of Eaton and has 2 judges.

(2) Effective January 1, 1999, if the county of Eaton approves the creation of the fifty-sixth-a district pursuant to law, and if the county of Barry approves the creation of the fifty-sixth-b district pursuant to law, both of the following apply:

- (a) The fifty-sixth-a district consists of the county of Eaton, is a district of the first class, and has 2 judges.
- (b) The fifty-sixth-b district consists of the county of Barry, is a district of the first class, and has 1 judge.

Enacting section 1. The creation of the fifty-sixth-a district and the fifty-sixth-b district, as allowed by this 1998 amendatory act, shall not take place unless resolutions of approval by the county boards of commissioners of the counties of Barry and Eaton, as required by section 8176 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8176, are filed with the state court administrator not later than April 1, 1998.

Enacting section 2. If new judicial districts of the district court are created under this amendatory act pursuant to section 8176 of the revised judicature act of 1961, 1961 PA 236, MCL 800.8176, the change in the composition of the affected judicial districts shall take effect for election purposes on April 1, 1998 and shall take effect for judicial purposes on January 1, 1999. If the fifty-sixth-a district and the fifty-sixth-b district are created pursuant to this amendatory act, all of the following apply as to the incumbent judges of the fifty-sixth district:

- (a) The incumbent judge who resides in the first election division of the fifty-sixth district and whose term expires on January 1, 2001 shall become a judge of the fifty-sixth-b district on January 1, 1999 for the balance of the term for

which he or she was elected or appointed, except that he or she must continue to meet other requirements for eligibility to serve as district judge, including residency requirements.

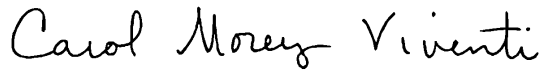
(b) If the incumbent judge in the second election division whose term expires January 1, 1999 seeks election in the fifty-sixth-a district for a term beginning January 1, 1999 and meets other requirements for eligibility to serve as district judge, including residency requirements, that judge is entitled to the designation of his or her office on the ballot in the 1998 August primary election and in the 1998 November general election. The incumbent judge may qualify for nomination by filing an affidavit of candidacy as an incumbent judge of the fifty-sixth-a district as provided in section 467c of the Michigan election law, 1954 PA 116, MCL 168.467c.

(c) The incumbent judge in the second election division whose term expires January 1, 2003 shall become a judge of the fifty-sixth-a district on January 1, 1999 for the balance of the term for which he or she was elected or appointed, except that he or she must continue to meet other requirements for eligibility to serve as district judge, including residency requirements.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.