

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

600.9940 District court; commencement in thirty-second-b district; abolition of municipal courts; expiration of terms of incumbent municipal judges; election and term of district court judge; causes of action, orders, and judgments; rights and privileges of employees of abolished municipal courts; resolution approving establishment of district court and district judgeship; adoption and filing; notice to state court administrator; second district court judgeship; effect of approval; expenses and capital improvements; obligation of state.

Sec. 9940. (1) Subject to subsection (5), the district court shall commence to function as of January 1, 1983 in the thirty-second-b district and as of that date, all municipal courts within that district shall be abolished. The term of the incumbent municipal judges in each city which will comprise the thirty-second-b district on January 1, 1983, shall expire at 12 p.m. on December 31, 1982.

(2) In the first election of a district court judge for the thirty-second-b district, the candidate receiving the highest number of votes in the general election to fill that office shall serve a term of 6 years. The election of the district court judge for the thirty-second-b district shall take place pursuant to chapter XXIA of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.467 to 168.467n of the Michigan Compiled Laws.

(3) All causes of action transferred to the district court pursuant to section 9924(1) shall be as valid and subsisting as they were in the court from which they were transferred. All orders and judgments entered before January 1, 1983, in the municipal courts which are abolished pursuant to subsection (1) shall be appealable in like manner and to the same courts as applicable before that date.

(4) The rights and privileges accorded under section 8271(4), (5), and (6) to employees of courts abolished by section 9921 shall apply to employees of the municipal courts abolished by subsection (1) to the same extent and effect.

(5) Subsections (1) to (4) shall not apply nor shall any district judgeship proposed for the thirty-second-b district be authorized or filled by election unless each city and incorporated village in the thirty-second-b district, by resolution adopted by its governing body, approves the establishment of the district court in the thirty-second-b district and the district judgeship proposed for that district and unless the clerk of each city and incorporated village adopting such a resolution files a copy of the resolution with the secretary of state not later than 4 p.m. of May 11, 1982. The secretary of state shall immediately notify the state court administrator with respect to the establishment of the district court in the thirty-second-b district and the district judgeship authorized for that district.

(6) If each district control unit authorizes a second district court judgeship pursuant to section 8121(18) and this subsection for 1985, a district judge shall be elected in 1984 for a term of 6 years. If each district control unit authorizes a second district court judgeship pursuant to section 8121(18) and this subsection for 1987, a district judge shall be elected in 1986 for a term of 6 years. The second district judgeship proposed for the thirty-second-b district shall not be authorized to be filled by election unless each district control unit of the district, by resolution of the governing body of the district control unit, approves the creation of that judgeship and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the secretary of state not later than 4 p.m. of the twelfth Tuesday preceding the August primary to be held in 1984 or 1986. The secretary of state shall immediately notify the state court administrator with respect to the second district judgeship authorized for the thirty-second-b district. The election of the second district judge for the thirty-second-b district shall take place pursuant to chapter XXIA of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.467 to 168.467n of the Michigan Compiled Laws.

(7) By enacting this section, the legislature is not mandating that the district court function in the thirty-second-b district nor any judgeship in the district. If a city or incorporated village, acting through its governing body, approves the establishment of the district court in the thirty-second-b district and any district judgeship proposed by law for that district, that approval constitutes an exercise of that city's or village's option to provide a new activity or service or to increase the level of activity or service offered in the city or village beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city or incorporated village of all expenses and capital improvements which may result from the establishment of the district court in the thirty-second-b district and any judgeship. However, the exercise of the option does not affect the state's obligation to pay a portion of any district judge's salary as

provided by law, or to appropriate and disburse funds to the city or incorporated village for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

History: Add. 1980, Act 127, Imd. Eff. May 22, 1980;—Am. 1982, Act 40, Imd. Eff. Mar. 16, 1982.

Compiler's note: In the second sentence of subsection (1), “compromise” evidently should read “comprise”.