

HOUSE BILL No. 5928

June 11, 1998, Introduced by Rep. Ciaramitaro and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8122 (MCL 600.8122), as amended by 1988 PA
135, and by adding section 9938a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8122. (1) The thirty-seventh district consists of the
2 cities of Warren and Center Line, is a district of the third
3 class, and has 4 judges.

4 (2) The thirty-eighth district consists of the city of ~~East~~
5 ~~Detroit~~ EASTPOINTE, is a district of the third class, and has 1
6 judge.

7 (3) The thirty-ninth district consists of the cities of
8 Roseville and Fraser, is a district of the third class, and has
9 ~~2~~ 3 judges. ~~Subject to section 8175, this district may have 1~~
10 ~~additional judge effective January 1, 1989. If a new office of~~

~~1 judge is added to this district to be filled by election in 1988,
2 the term of office of the judge for that election only shall be 4
3 years.~~

4 (4) The fortieth district consists of the city of Saint
5 Clair Shores, is a district of the third class, and has 2
6 judges.

7 (5) The forty-first-a district consists of the cities of
8 Utica and Sterling Heights and the townships of Shelby and Macomb
9 in the county of Macomb, is a district of the third class, and
10 has 4 judges.

11 (6) The forty-first-b district consists of the city of Mt.
12 Clemens and the townships of Clinton and Harrison in the county
13 of Macomb, is a district of the third class, and has ~~2~~ 3
14 judges. ~~Subject to section 8175, this district may have 1 addi-~~
15 ~~tional judge effective January 1, 1989. If a new office of judge~~
16 ~~is added to this district to be filled by election in 1988, the~~
17 ~~term of office of the judge for that election only shall be 4~~
18 ~~years.~~

19 (7) The forty-second district consists of the cities of
20 Memphis, Richmond, and New Baltimore and the townships of Bruce,
21 Washington, Armada, Ray, Richmond, Lenox, and Chesterfield in the
22 county of Macomb, is a district of the second class, and is
23 divided into the following election divisions:

24 (a) The first division consists of the cities of Memphis and
25 Richmond and the townships of Bruce, Washington, Armada, Ray, and
26 Richmond and has 1 judge.

1 (b) The second division consists of the city of New
2 Baltimore and the townships of Lenox and Chesterfield and has 1
3 judge.

4 SEC. 9938A. (1) EFFECTIVE JANUARY 1, 2000, THE DISTRICT
5 COURT SHALL COMMENCE TO FUNCTION IN THE THIRTY-EIGHTH DISTRICT
6 AND, AS OF THAT DATE, THE MUNICIPAL COURT WITHIN THAT DISTRICT IS
7 ABOLISHED. THE TERMS OF THE INCUMBENT MUNICIPAL JUDGES IN
8 EASTPOINTE SHALL EXPIRE AT 12 MIDNIGHT ON DECEMBER 31, 1999.

9 (2) PURSUANT TO THE AUTHORITY GRANTED BY SECTION 23 OF ARTI-
10 CLE VI OF THE STATE CONSTITUTION OF 1963, A SPECIAL PRIMARY ELEC-
11 TION SHALL BE HELD ON SEPTEMBER 12, 1999, AND A SPECIAL GENERAL
12 ELECTION SHALL BE HELD ON NOVEMBER 2, 1999, TO FILL THE OFFICE OF
13 DISTRICT JUDGE IN THE THIRTY-EIGHTH DISTRICT OF THE DISTRICT
14 COURT, AS PROVIDED IN SECTION 8122(2). THE CANDIDATE RECEIVING
15 THE HIGHEST NUMBER OF VOTES IN THIS SPECIAL GENERAL ELECTION
16 SHALL BE ELECTED FOR A TERM OF 5 YEARS.

17 (3) ALL CAUSES OF ACTION TRANSFERRED TO THE THIRTY-EIGHTH
18 DISTRICT COURT PURSUANT TO SECTION 9924(1) SHALL BE AS VALID AND
19 SUBSISTING AS THEY WERE IN THE MUNICIPAL COURT FROM WHICH THEY
20 WERE TRANSFERRED. ALL ORDERS AND JUDGMENTS ENTERED BEFORE
21 JANUARY 1, 2000 IN THE MUNICIPAL COURT ABOLISHED PURSUANT TO SUB-
22 SECTION (1) ARE APPEALABLE IN LIKE MANNER AND TO THE SAME COURTS
23 AS APPLICABLE BEFORE THAT DATE.

24 (4) THE RIGHTS AND PRIVILEGES ACCORDED UNDER SECTION
25 8271(14), (15), AND (16) TO EMPLOYEES OF COURTS ABOLISHED BY SEC-
26 TION 9921 APPLY TO EMPLOYEES OF THE MUNICIPAL COURT ABOLISHED BY
27 SUBSECTION (1) TO THE SAME EXTENT AND EFFECT.

1 (5) SUBSECTIONS (1) TO (4) SHALL NOT APPLY, AND ANY DISTRICT
2 JUDGESHIP PROPOSED FOR THE THIRTY-EIGHTH DISTRICT SHALL NOT BE
3 AUTHORIZED OR FILLED BY ELECTION, UNLESS THE CITY OF EASTPOINTE,
4 BY RESOLUTION ADOPTED BY ITS GOVERNING BODY, APPROVES THE ESTAB-
5 LISHMENT OF THE DISTRICT COURT IN THE THIRTY-EIGHTH DISTRICT AND
6 THE DISTRICT JUDGESHIP PROPOSED FOR THE THIRTY-EIGHTH DISTRICT
7 AND UNLESS THE CLERK OF THE CITY OF EASTPOINTE FILES A COPY OF
8 THE RESOLUTION WITH THE SECRETARY OF STATE NOT EARLIER THAN
9 JANUARY 1, 1997 AND NOT LATER THAN 4 P.M. APRIL 12, 1999. UPON
10 RECEIVING A COPY OF THE RESOLUTION, THE SECRETARY OF STATE SHALL
11 IMMEDIATELY NOTIFY THE STATE COURT ADMINISTRATOR WITH RESPECT TO
12 THE ESTABLISHMENT OF THE DISTRICT COURT IN THE THIRTY-EIGHTH DIS-
13 TRICT AND THE DISTRICT JUDGESHIP AUTHORIZED FOR THE THIRTY-EIGHTH
14 DISTRICT.

15 (6) BY ENACTING THIS SECTION, THE LEGISLATURE IS NOT MANDAT-
16 ING THAT THE DISTRICT COURT FUNCTION IN THE THIRTY-EIGHTH DIS-
17 TRICT AND IS NOT MANDATING ANY JUDGESHIP IN THE DISTRICT. IF THE
18 CITY OF EASTPOINTE, ACTING THROUGH ITS GOVERNING BODY, APPROVES
19 THE ESTABLISHMENT OF THE DISTRICT COURT IN THE THIRTY-EIGHTH DIS-
20 TRICT AND ANY DISTRICT JUDGESHIP PROPOSED BY LAW FOR THAT DIS-
21 TRICT, THAT APPROVAL CONSTITUTES AN EXERCISE OF THAT CITY'S
22 OPTION TO PROVIDE A NEW ACTIVITY OR SERVICE OR TO INCREASE THE
23 LEVEL OF ACTIVITY OR SERVICE OFFERED IN THE CITY BEYOND THAT
24 REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT OPTION ARE
25 DEFINED BY ACT NO. 101 OF THE PUBLIC ACTS OF 1979, BEING SEC-
26 TIONS 21.231 TO 21.244 OF THE MICHIGAN COMPILED LAWS, AND A
27 VOLUNTARY ACCEPTANCE BY THE CITY OF ALL EXPENSES AND CAPITAL

1 IMPROVEMENTS WHICH MAY RESULT FROM THE ESTABLISHMENT OF THE
2 DISTRICT COURT IN THE THIRTY-EIGHTH DISTRICT AND ANY JUDGESHIP.
3 HOWEVER, THE EXERCISE OF THE OPTION DOES NOT AFFECT THE STATE'S
4 OBLIGATION TO PAY A PORTION OF ANY DISTRICT JUDGE'S SALARY AS
5 PROVIDED BY LAW, OR TO APPROPRIATE AND DISBURSE FUNDS TO THE CITY
6 OR INCORPORATED VILLAGE FOR THE NECESSARY COSTS OF STATE REQUIRE-
7 MENTS ESTABLISHED BY A STATE LAW THAT BECOMES EFFECTIVE ON OR
8 AFTER DECEMBER 23, 1978.