

SENATE BILL No. 392

June 27, 1991, Introduced by Senators KELLY, DI NELLO,
V. SMITH, CISKY and DE GROW and referred to the
Committee on Judiciary.

A bill to amend sections 8121 and 9940 of Act No. 236 of the
Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

section 8121 as amended by Act No. 54 of the Public Acts of 1990
and section 9940 as amended by Act No. 40 of the Public Acts of
1982, being sections 600.8121 and 600.9940 of the Michigan
Compiled Laws; and to add section 9942.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 8121 and 9940 of Act No. 236 of the
2 Public Acts of 1961, section 8121 as amended by Act No. 54 of the
3 Public Acts of 1990 and section 9940 as amended by Act No. 40 of
4 the Public Acts of 1982, being sections 600.8121 and 600.9940 of
5 the Michigan Compiled Laws, are amended and section 9942 is added
6 to read as follows:

1 Sec. 8121. (1) The sixteenth district consists of the city
2 of Livonia, is a district of the third class, and has 2 judges.

3 (2) The seventeenth district consists of the township of
4 Redford in the county of Wayne, is a district of the third class,
5 and has 2 judges.

6 (3) The eighteenth district consists of the city of
7 Westland, is a district of the third class, and has 2 judges.

8 (4) The nineteenth district consists of the city of
9 Dearborn, is a district of the third class, and has 2 judges.
10 Subject to section 8175, this district may have 1 additional
11 judge effective January 1, 1991 and may have 1 additional judge
12 effective January 1, 1993.

13 (5) The twentieth district consists of the city of Dearborn
14 Heights, is a district of the third class, and has 2 judges.

15 (6) The twenty-first district consists of the city of Garden
16 City, is a district of the third class, and has 1 judge.

17 (7) The twenty-second district consists of the city of
18 Inkster, is a district of the third class, and has 1 judge.

19 (8) The twenty-third district consists of the city of
20 Taylor, is a district of the third class, and has 2 judges.

21 (9) The twenty-fourth district consists of the cities of
22 Allen Park and Melvindale, is a district of the third class, and
23 has 2 judges.

24 (10) The twenty-fifth district consists of the city of
25 Lincoln Park, is a district of the third class, and has 2
26 judges.

1 (11) The twenty-sixth district consists of the cities of
2 River Rouge and Ecorse, is a district of the third class, and is
3 divided into the following election divisions:

4 (a) The first division consists of the city of River Rouge
5 and has 1 judge.

6 (b) The second division consists of the city of Ecorse and
7 has 1 judge.

8 (12) The twenty-seventh district consists of the cities of
9 Wyandotte and Riverview, is a district of the third class, and is
10 divided into the following election divisions:

11 (a) The first division consists of the city of Wyandotte and
12 has 1 judge.

13 (b) The second division consists of the city of Riverview
14 and has 1 judge.

15 (13) The twenty-eighth district consists of the city of
16 Southgate, is a district of the third class, and has 1 judge.

17 (14) The twenty-ninth district consists of the city of
18 Wayne, is a district of the third class, and has 1 judge.

19 (15) The thirtieth district consists of the city of Highland
20 Park, is a district of the third class, and has 2 judges.

21 (16) The thirty-first district consists of the city of
22 Hamtramck, is a district of the third class, and has 1 judge.
23 Subject to section 8175, this district may have 1 additional
24 judge effective January 1, 1991. If a new office of judge is
25 added to this district to be filled by election in 1990, the term
26 of office of the judge for that election only shall be 4 years.

1 (17) The thirty-second-a district consists of the city of
2 Harper Woods, is a district of the third class, and has 1 judge.

3 (18) The thirty-second-b district consists of the ~~cities of~~
4 ~~Grosse Pointe Woods,~~ CITY OF Grosse Pointe Park, ~~Grosse Pointe,~~
5 ~~and Grosse Pointe Farms,~~ and the village of Grosse Pointe
6 Shores, is a district of the third class, and has 1 judge.
7 ~~Subject to section 9940(6), this district may have 1 additional~~
8 ~~judge effective January 1, 1985, or January 1, 1987.~~

9 (19) The thirty-third district consists of the cities of
10 Trenton, Gibraltar, Woodhaven, Rockwood, and Flat Rock and the
11 townships of Brownstown and Grosse Ile in the county of Wayne, is
12 a district of the third class, and has 2 judges. Subject to sec-
13 tion 8175, this district may have 1 additional judge effective
14 January 1, 1995.

15 (20) The thirty-fourth district consists of the townships of
16 Sumpter, Van Buren, and Huron in the county of Wayne and the
17 cities of Romulus and Belleville, is a district of the third
18 class, and has 2 judges. Subject to section 8175, this district
19 may have 1 additional judge effective January 1, 1991. If a new
20 office of judge is added to this district to be filled by elec-
21 tion in 1990, the term of office of the judge for that election
22 only shall be 4 years.

23 (21) The thirty-fifth district consists of the cities of
24 Northville and Plymouth and the townships of Northville,
25 Plymouth, and Canton in the county of Wayne, is a district of the
26 third class, and has 2 judges.

1 Sec. 9940. (1) Subject to subsection (5), the district
2 court shall commence to function as of January 1, ~~1983~~ 1992 in
3 the thirty-second-b district and as of that date, ~~all~~ THE
4 municipal ~~courts within that district~~ COURT FOR THE CITY OF
5 GROSSE POINTE PARK shall be abolished. ~~The term of the incum-~~
6 ~~bent municipal judges in each city which will compromise the~~
7 ~~thirty-second-b district on January 1, 1983, shall expire at 12~~
8 ~~p.m. on December 31, 1982.~~ EFFECTIVE JANUARY 1, 1992, THE INCUM-
9 BENT JUDGE OF THE MUNICIPAL COURT OF THE CITY OF GROSSE POINTE
10 PARK SHALL BECOME THE JUDGE OF THE THIRTY-SECOND-B DISTRICT AND
11 SHALL SERVE AS THE DISTRICT JUDGE FOR A TERM EXPIRING AT 12
12 P.M. ON DECEMBER 31, 1992.

13 (2) ~~In the~~ THE first election of a district court judge
14 for the thirty-second-b district SHALL BE HELD AT THE 1992 GEN-
15 ERAL ELECTION, AND the candidate receiving the highest number of
16 votes in the general election to fill that office shall serve a
17 term of 6 years BEGINNING JANUARY 1, 1993. The election of the
18 district court judge for the thirty-second-b district shall take
19 place pursuant to chapter XXIA of Act No. 116 of the Public Acts
20 of 1954, as amended, being sections 168.467 to 168.467n of the
21 Michigan Compiled Laws.

22 (3) All causes of action transferred to the district court
23 pursuant to section 9924(1) shall be as valid and subsisting as
24 they were in the court from which they were transferred. All
25 orders and judgments entered before January 1, ~~1983~~ 1992, in
26 the municipal ~~courts~~ COURT FOR THE CITY OF GROSSE POINTE PARK,
27 which ~~are~~ IS abolished pursuant to subsection (1), shall be

1 appealable in like manner and to the same courts as applicable
2 before that date.

3 (4) The rights and privileges accorded under section
4 8271(4), (5), and (6) to employees of courts abolished by section
5 9921 shall apply to employees of the municipal ~~courts~~ COURT FOR
6 THE CITY OF GROSSE POINTE PARK abolished by subsection (1) to the
7 same extent and effect.

8 (5) Subsections (1) to (4) shall not apply nor shall any
9 district judgeship proposed for the thirty-second-b district be
10 authorized or filled by election unless ~~each city and incorpo-~~
11 ~~rated village in the thirty-second-b district~~ THE CITY OF GROSSE
12 POINTE PARK, by resolution adopted by its governing body,
13 approves the establishment of the district court in the
14 thirty-second-b district and the district judgeship proposed for
15 that district and unless the clerk of ~~each~~ THE city ~~and incor-~~
16 ~~porated village adopting such a resolution~~ files a copy of the
17 resolution with the secretary of state not later than ~~4 p.m. of~~
18 ~~May 11, 1982~~ 60 DAYS AFTER THE EFFECTIVE DATE OF THE 1991 AMEN-
19 DATORY ACT THAT AMENDED THIS SECTION. The secretary of state
20 shall immediately notify the state court administrator with
21 respect to the establishment of the district court in the
22 thirty-second-b district and the district judgeship authorized
23 for that district.

24 ~~(6) If each district control unit authorizes a second dis-~~
25 ~~trict court judgeship pursuant to section 8121(18) and this sub-~~
26 ~~section for 1985, a district judge shall be elected in 1984 for a~~
27 ~~term of 6 years. If each district control unit authorizes a~~

~~1 second district court judgeship pursuant to section 8121(18) and~~
~~2 this subsection for 1987, a district judge shall be elected in~~
~~3 1986 for a term of 6 years. The second district judgeship pro-~~
~~4 posed for the thirty-second-b district shall not be authorized to~~
~~5 be filled by election unless each district control unit of the~~
~~6 district, by resolution of the governing body of the district~~
~~7 control unit, approves the creation of that judgeship and unless~~
~~8 the clerk of each district control unit adopting such a resolu-~~
~~9 tion files a copy of the resolution with the secretary of state~~
~~10 not later than 4 p.m. of the twelfth Tuesday preceding the August~~
~~11 primary to be held in 1984 or 1986. The secretary of state shall~~
~~12 immediately notify the state court administrator with respect to~~
~~13 the second district judgeship authorized for the thirty-second-b~~
~~14 district. The election of the second district judge for the~~
~~15 thirty-second-b district shall take place pursuant to chapter~~
~~16 XXIA of Act No. 116 of the Public Acts of 1954, as amended, being~~
~~17 sections 168.467 to 168.467n of the Michigan Compiled Laws.~~

18 (6) ~~-(7)-~~ By enacting this section, the legislature is not
 19 mandating that the district court function in the thirty-second-b
 20 district ~~-nor~~ OR MANDATING any judgeship in the district. If ~~-a~~
 21 ~~city or incorporated village~~ THE CITY OF GROSSE POINTE PARK,
 22 acting through its governing body, approves the establishment of
 23 the district court in the thirty-second-b district and any dis-
 24 trict judgeship proposed by law for that district, that approval
 25 constitutes an exercise of that city's ~~-or village's-~~ option to
 26 provide a new activity or service or to increase the level of
 27 activity or service offered in the city ~~-or village-~~ beyond that

1 required by existing law, as the elements of that option are
2 defined by Act No. 101 of the Public Acts of 1979, being sections
3 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary
4 acceptance by the city ~~or incorporated village~~ of all expenses
5 and capital improvements which may result from the establishment
6 of the district court in the thirty-second-b district and any
7 judgeship. However, the exercise of the option does not affect
8 the state's obligation to pay a portion of any district judge's
9 salary as provided by law, or to appropriate and disburse funds
10 to the city ~~or incorporated village~~ for the necessary costs of
11 state requirements established by a state law which becomes
12 effective on or after December 23, 1978.

13 (7) THIS SECTION DOES NOT PREVENT 1 OR MORE OF THE CITIES OF
14 GROSSE POINTE WOODS, GROSSE POINTE, OR GROSSE POINTE FARMS, OR
15 THE VILLAGE OF GROSSE POINTE SHORES FROM JOINING THE
16 THIRTY-SECOND-B DISTRICT IN THE MANNER ALLOWED BY LAW.

17 SEC. 9942. (1) SUBJECT TO SUBSECTION (5), THE DISTRICT
18 COURT SHALL COMMENCE TO FUNCTION AS OF JANUARY 1, 1992 IN THE
19 THIRTY-EIGHTH DISTRICT AND AS OF THAT DATE, THE MUNICIPAL COURT
20 FOR THE CITY OF EAST DETROIT SHALL BE ABOLISHED. EFFECTIVE
21 JANUARY 1, 1992, THE INCUMBENT JUDGE OF THE MUNICIPAL COURT OF
22 THE CITY OF EAST DETROIT SHALL BECOME THE JUDGE OF THE
23 THIRTY-EIGHTH DISTRICT AND SHALL SERVE AS THE DISTRICT JUDGE FOR
24 A TERM EXPIRING AT 12 P.M. ON DECEMBER 31, 1992.

25 (2) THE FIRST ELECTION OF A DISTRICT COURT JUDGE FOR THE
26 THIRTY-EIGHTH DISTRICT SHALL BE HELD AT THE 1992 GENERAL
27 ELECTION, AND THE CANDIDATE RECEIVING THE HIGHEST NUMBER OF VOTES

1 IN THE GENERAL ELECTION TO FILL THAT OFFICE SHALL SERVE A TERM OF
2 6 YEARS BEGINNING JANUARY 1, 1993. THE ELECTION OF THE DISTRICT
3 COURT JUDGE FOR THE THIRTY-EIGHTH DISTRICT SHALL TAKE PLACE PUR-
4 SUANT TO CHAPTER XXIA OF ACT NO. 116 OF THE PUBLIC ACTS OF 1954,
5 BEING SECTIONS 168.467 TO 168.467N OF THE MICHIGAN COMPILED
6 LAWS.

7 (3) ALL CAUSES OF ACTION TRANSFERRED TO THE DISTRICT COURT
8 PURSUANT TO SECTION 9924(1) SHALL BE AS VALID AND SUBSISTING AS
9 THEY WERE IN THE COURT FROM WHICH THEY WERE TRANSFERRED. ALL
10 ORDERS AND JUDGMENTS ENTERED BEFORE JANUARY 1, 1992, IN THE
11 MUNICIPAL COURT FOR THE CITY OF EAST DETROIT, WHICH IS ABOLISHED
12 PURSUANT TO SUBSECTION (1), SHALL BE APPEALABLE IN LIKE MANNER
13 AND TO THE SAME COURTS AS APPLICABLE BEFORE THAT DATE.

14 (4) THE RIGHTS AND PRIVILEGES ACCORDED UNDER SECTION
15 8271(4), (5), AND (6) TO EMPLOYEES OF COURTS ABOLISHED BY SECTION
16 9921 SHALL APPLY TO EMPLOYEES OF THE MUNICIPAL COURT FOR THE CITY
17 OF EAST DETROIT ABOLISHED BY SUBSECTION (1) TO THE SAME EXTENT
18 AND EFFECT.

19 (5) SUBSECTIONS (1) TO (4) SHALL NOT APPLY NOR SHALL ANY
20 DISTRICT JUDGESHIP PROPOSED FOR THE THIRTY-EIGHTH DISTRICT BE
21 AUTHORIZED OR FILLED BY ELECTION UNLESS THE CITY OF EAST DETROIT,
22 BY RESOLUTION ADOPTED BY ITS GOVERNING BODY, APPROVES THE ESTAB-
23 LISHMENT OF THE DISTRICT COURT IN THE THIRTY-EIGHTH DISTRICT AND
24 THE DISTRICT JUDGESHIP PROPOSED FOR THAT DISTRICT AND UNLESS THE
25 CLERK OF THE CITY FILES A COPY OF THE RESOLUTION WITH THE SECRE-
26 TARY OF STATE NOT LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF
27 THE 1991 AMENDATORY ACT THAT ADDED THIS SECTION. THE SECRETARY

1 OF STATE SHALL IMMEDIATELY NOTIFY THE STATE COURT ADMINISTRATOR
2 WITH RESPECT TO THE ESTABLISHMENT OF THE DISTRICT COURT IN THE
3 THIRTY-EIGHTH DISTRICT AND THE DISTRICT JUDGESHIP AUTHORIZED FOR
4 THAT DISTRICT.

5 (6) BY ENACTING THIS SECTION, THE LEGISLATURE IS NOT MANDAT-
6 ING THAT THE DISTRICT COURT FUNCTION IN THE THIRTY-EIGHTH DIS-
7 TRICT OR MANDATING ANY JUDGESHIP IN THE DISTRICT. IF THE CITY OF
8 EAST DETROIT, ACTING THROUGH ITS GOVERNING BODY, APPROVES THE
9 ESTABLISHMENT OF THE DISTRICT COURT IN THE THIRTY-EIGHTH DISTRICT
10 AND ANY DISTRICT JUDGESHIP PROPOSED BY LAW FOR THAT DISTRICT,
11 THAT APPROVAL CONSTITUTES AN EXERCISE OF THAT CITY'S OPTION TO
12 PROVIDE A NEW ACTIVITY OR SERVICE OR TO INCREASE THE LEVEL OF
13 ACTIVITY OR SERVICE OFFERED IN THE CITY BEYOND THAT REQUIRED BY
14 EXISTING LAW, AS THE ELEMENTS OF THAT OPTION ARE DEFINED BY ACT
15 NO. 101 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 21.231 TO
16 21.244 OF THE MICHIGAN COMPILED LAWS, AND A VOLUNTARY ACCEPTANCE
17 BY THE CITY OF ALL EXPENSES AND CAPITAL IMPROVEMENTS WHICH MAY
18 RESULT FROM THE ESTABLISHMENT OF THE DISTRICT COURT IN THE
19 THIRTY-EIGHTH DISTRICT AND ANY JUDGESHIP. HOWEVER, THE EXERCISE
20 OF THE OPTION DOES NOT AFFECT THE STATE'S OBLIGATION TO PAY A
21 PORTION OF ANY DISTRICT JUDGE'S SALARY AS PROVIDED BY LAW, OR TO
22 APPROPRIATE AND DISBURSE FUNDS TO THE CITY FOR THE NECESSARY
23 COSTS OF STATE REQUIREMENTS ESTABLISHED BY A STATE LAW WHICH
24 BECOMES EFFECTIVE ON OR AFTER DECEMBER 23, 1978.