

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

Introduced by Rep. Ciaramitaro

# **ENROLLED HOUSE BILL No. 5711**

AN ACT to amend section 8122 of Act No. 236 of the Public Acts of 1961, entitled as amended, "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," as amended by Act No. 135 of the Public Acts of 1988, being section 600.8122 of the Michigan Compiled Laws, and to add section 9938a.

*The People of the State of Michigan enact*

Section 1. Section 8122 of Act No. 236 of the Public Acts of 1961, as amended by Act No. 135 of the Public Acts of 1988, being section 600.8122 of the Michigan Compiled Laws, is amended and section 9938a is added to read as follows:

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

(2) The thirty eighth district consists of the city of Eastpointe, is a district of the third class, and has 1 judge.

(3) The thirty ninth district consists of the cities of Roseville and Fraser, is a district of the third class, and has 3 judges.

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

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

(6) The forty first b district consists of the city of Mt. Clemens and the townships of Clinton and Harrison in the county of Macomb, is a district of the third class, and has 3 judges.

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

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

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

Sec 9938a (1) Effective January 1 1996 the district court shall commence to function in the thirty eighth district and as of that date the municipal court within that district is abolished The terms of the incumbent municipal judges in Eastpointe shall expire at midnight on December 31 1995

(2) Pursuant to the authority granted by section 23 of article VI of the state constitution of 1963 a special primary election shall be held on September 12 1995 and a special general election shall be held on November 7 1995 to fill the office of district judge in the thirty eighth district of the district court as provided in section 8122(2) The candidate receiving the highest number of votes in this special general election shall be elected for a term of 5 years

(3) All causes of action transferred to the thirty eighth district court pursuant to section 9924(1) shall be as valid and subsisting as they were in the municipal court from which they were transferred All orders and judgments entered before January 1 1996 in the municipal court abolished pursuant to subsection (1) are 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 apply to employees of the municipal court abolished by subsection (1) to the same extent and effect

(5) Subsections (1) to (4) shall not apply and any district judgeship proposed for the thirty eighth district shall not be authorized or filled by election unless the city of Eastpointe by resolution adopted by its governing body approves the establishment of the district court in the thirty eighth district and the district judgeship proposed for the thirty eighth district and unless the clerk of the city of Eastpointe files a copy of the resolution with the secretary of state not earlier than January 1 1993 and not later than 4 p m April 12 1995 Upon receiving a copy of the resolution the secretary of state shall immediately notify the state court administrator with respect to the establishment of the district court in the thirty eighth district and the district judgeship authorized for the thirty eighth district

(6) By enacting this section the legislature is not mandating that the district court function in the thirty eighth district and is not mandating any judgeship in the district If the city of Eastpointe acting through its governing body approves the establishment of the district court in the thirty eighth district and any district judgeship proposed by law for that district that approval constitutes an exercise of that city's option to provide a new activity or service or to increase the level of activity or service offered in the city 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 of all expenses and capital improvements which may result from the establishment of the district court in the thirty eighth 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 that becomes effective on or after December 23 1978

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor