

Act No. 161
Public Acts of 1997
Approved by the Governor
December 29, 1997
Filed with the Secretary of State
December 29, 1997
EFFECTIVE DATE: December 29, 1997

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Senator Shugars

ENROLLED SENATE BILL No. 546

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 8117 (MCL 600.8117).

The People of the State of Michigan enact:

Sec. 8117. (1) Except as provided in subsection (3), the eighth district consists of the county of Kalamazoo except the cities of Kalamazoo and Portage, is a district of the second class, and has 2 judges.

(2) Except as provided in subsection (3), the ninth district consists of the cities of Kalamazoo and Portage, is a district of the third class, and is divided into the following election divisions:

- (a) The first division consists of the city of Kalamazoo and has 4 judges.
- (b) The second division consists of the city of Portage and has 1 judge.

(3) Effective January 1, 1999, if the county of Kalamazoo, the city of Portage, and the city of Kalamazoo have approved the reformation of the eighth district pursuant to law, the eighth district consists of the county of Kalamazoo, is a district of the first class, and has 7 judges, and is divided into 3 election divisions, as follows:

- (a) The first division consists of the city of Kalamazoo and has 4 judges.
- (b) The second division consists of the city of Portage and has 1 judge.
- (c) The third division consists of the county of Kalamazoo except the cities of Kalamazoo and Portage and has 2 judges.

Enacting section 1. If the eighth and ninth districts are consolidated into the eighth district as allowed by this amendatory act, all of the following apply as to the district judges serving in the county of Kalamazoo on the effective date of this amendatory act:

(a) The 4 judges whose terms expire on January 1, 2001 or on January 1, 2003 shall become judges of the eighth district, as reformed, on January 1, 1999, for the balance of the respective terms for which each judge was elected, except that each judge must meet other requirements for eligibility to serve as a district judge, including residency requirements.

(b) If any of the 3 judges whose terms expire January 1, 1999 seeks reelection in the eighth district, as reformed, 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 November general election.

Enacting section 2. The reformation of the eighth district, as allowed by this 1997 amendatory act, shall not take place unless resolutions of approval by the county board of commissioners of the county of Kalamazoo, the city council of the city of Portage, and the city commission of the city of Kalamazoo, as required by section 8177 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8177, are filed with the state court administrator not later than April 14, 1998.

Enacting section 3. If the implementation of this amendatory act requires a transfer of court employees or a change of employers, all employees of the former court employer shall be transferred to, and appointed as employees of, the new employer subject to all rights and benefits they held with the former court employer. An employee who is transferred shall not, by reason of the transfer, be placed in any worse position with respect to worker's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance, or any other terms and conditions of employment that the employee enjoyed as an employee of the former court employer. The rights and benefits protected by this section may be altered by a future collective bargaining agreement or, for employees not covered by collective bargaining agreements, by benefit plans as established and adopted by the new employer. An employee who is transferred shall not be made subject to any residency requirements by the new employer. The new employer shall assume and be bound by any existing collective bargaining agreement held by the former court employer and, except where the existing collective bargaining agreement may otherwise permit, shall retain the employees covered by that collective bargaining agreement. A transfer of court employees shall not adversely affect any existing rights and obligations contained in the existing collective bargaining agreement.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.