House
Legislative
Analysis
Section

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

ABOLISH EASTPOINTE MUNICIPAL COURT

House Bill 4092
Sponsor: Rep. Michael Switalski
Committee: Civil Law and the Judiciary

Complete to 3-12-01

A SUMMARY OF HOUSE BILL 4092 AS INTRODUCED 1-31-01

Public Act 154 of 1968 amended the Revised Judicature Act (RJA) to create the district court and divided the state into judicial districts. (Initially, there were 99 districts, but over the years some districts have been abolished, while other districts were divided into two courts in the same district and labeled "a" and "b.") At the time the district court was created, however, cities with municipal or police courts were designated as third class districts, but were given the option of keeping their municipal or police courts instead of having the district court functioning in their place. (Cities also were prohibited from establishing a municipal or police court after July 1, 1968.) Eastpointe (formerly East Detroit) was one of the cities that decided to keep its municipal court.

The bill would abolish the municipal court in Eastpointe and instead allow the district court to begin functioning in the 38th district (which consists of the city of "East Detroit"), a third class district with one judge. (A third class district is one that consists of one or more political subdivisions of a county. A first class district consists of one or more counties and a second class district consists of a group of political subdivisions in a county.) The terms of the incumbent Eastpointe municipal judge would expire at midnight on December 31, 2002, and the judgeship in the 38th district court would be filled in the 2002 general election in the manner provided for by law.

All causes of action transferred to the 38th district court would be as valid ("and subsisting") as they were in the municipal court from which they were transferred, and all orders and judgments entered before the municipal court were abolished on January 1, 2003 would be appealable in the same way and to the same courts as before that date.

The bill would not take effect unless (a) the city of Eastpointe, by resolution adopted by its governing body, approved the establishment of the district court in the 38th district and (b) the Eastpointe city clerk filed a copy of the resolution with the secretary of state after the enacted bill took effect and before 4 p.m., April 12, 2002. When the secretary of state received a copy of the Eastpointe resolution, he or she would immediately notify the state court administrator with respect to the establishment of the district court in the 38th district and the district judgeship authorized for that district.

By enacting the bill, the legislature would not be mandating that the district court function in the 38th district and would not be mandating the judgeship in the 38th district. If the city of Eastpointe, acting through its governing body, approved the establishment of the district court in the 38th district and any district judgeship proposed by law for that district, that approval would

constitute (a) an exercise of Eastpointe'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 state law (Public Act 101 of 1979) implementing the 1978 Headlee amendment to the state constitution, and (b) a voluntary acceptance by the city of all expenses and capital improvements which may result from the establishment of the district court in the 38th district and any judgeship. However, the exercise of the option would 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 the state requirements established by the Headlee amendment to the state constitution (Article XI, Section 29), which prohibits the state from requiring local units of government to provide new activities or services (or an increase in the level of existing activities or services) unless the state pays to local unit of government for any necessary increased costs. (The Headlee amendment took effect on December 23, 1978.)

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Analyst: S. Ekstrom