

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4092

(As passed the House, December 5, 2002)

(As passed the Senate, December 13, 2002)

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~~

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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.

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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, 2004, 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, 2003. THE
9 JUDGESHIP IN THE THIRTY-EIGHTH DISTRICT OF THE DISTRICT COURT, AS
10 AUTHORIZED UNDER SECTION 8122(2), SHALL BE FILLED IN A SPECIAL
11 ELECTION HELD IN NOVEMBER 2003, IN CONJUNCTION WITH THE NOVEMBER
12 2003 EASTPOINTE MUNICIPAL ELECTION, IN THE MANNER PROVIDED BY
13 LAW. FOR PURPOSES OF THE NOVEMBER 2003 SPECIAL ELECTION ONLY,
14 THE TERM OF THE CANDIDATE FOR DISTRICT JUDGE IN THE THIRTY-EIGHTH
15 DISTRICT WHO RECEIVES THE HIGHEST NUMBER OF VOTES SHALL BE
16 5 YEARS.

17 (2) 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, 2004 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 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY, AND ANY DISTRICT
25 JUDGESHIP PROPOSED FOR THE THIRTY-EIGHTH DISTRICT IS NOT AUTHO-
26 RIZED OR FILLED BY ELECTION, UNLESS THE CITY OF EASTPOINTE, BY
27 RESOLUTION ADOPTED BY ITS GOVERNING BODY, APPROVES THE

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1 ESTABLISHMENT OF THE DISTRICT COURT IN THE THIRTY-EIGHTH DISTRICT
2 AND THE DISTRICT JUDGESHIP PROPOSED FOR THE THIRTY-EIGHTH DIS-
3 TRICT AND UNLESS THE CLERK OF THE CITY OF EASTPOINTE FILES A COPY
4 OF THE RESOLUTION WITH THE SECRETARY OF STATE NOT EARLIER THAN
5 THE EFFECTIVE DATE OF THIS SECTION AND NOT LATER THAN 4
6 P.M. APRIL 12, 2003. UPON RECEIVING A COPY OF THE RESOLUTION,
7 THE SECRETARY OF STATE SHALL IMMEDIATELY NOTIFY THE STATE COURT
8 ADMINISTRATOR WITH RESPECT TO THE ESTABLISHMENT OF THE DISTRICT
9 COURT IN THE THIRTY-EIGHTH DISTRICT AND THE DISTRICT JUDGESHIP
10 AUTHORIZED FOR THE THIRTY-EIGHTH DISTRICT.

11 (4) BY ENACTING THIS SECTION, THE LEGISLATURE IS NOT MANDAT-
12 ING THAT THE DISTRICT COURT FUNCTION IN THE THIRTY-EIGHTH DIS-
13 TRICT AND IS NOT MANDATING ANY JUDGESHIP IN THE DISTRICT. IF THE
14 CITY OF EASTPOINTE, ACTING THROUGH ITS GOVERNING BODY, APPROVES
15 THE ESTABLISHMENT OF THE DISTRICT COURT IN THE THIRTY-EIGHTH DIS-
16 TRICT AND ANY DISTRICT JUDGESHIP PROPOSED BY LAW FOR THAT DIS-
17 TRICT, THAT APPROVAL CONSTITUTES AN EXERCISE OF THAT CITY'S
18 OPTION TO PROVIDE A NEW ACTIVITY OR SERVICE OR TO INCREASE THE
19 LEVEL OF ACTIVITY OR SERVICE OFFERED IN THE CITY BEYOND THAT
20 REQUIRED BY EXISTING LAW, AS THE ELEMENTS OF THAT OPTION ARE
21 DEFINED BY 1979 PA 101, MCL 21.231 TO 21.244, AND A VOLUNTARY
22 ACCEPTANCE BY THE CITY OF ALL EXPENSES AND CAPITAL IMPROVEMENTS
23 WHICH MAY RESULT FROM THE ESTABLISHMENT OF THE DISTRICT COURT IN
24 THE THIRTY-EIGHTH DISTRICT AND ANY JUDGESHIP. HOWEVER, THE EXER-
25 CISE OF THE OPTION DOES NOT AFFECT THE STATE'S OBLIGATION TO PAY
26 A PORTION OF ANY DISTRICT JUDGE'S SALARY AS PROVIDED BY LAW, OR
27 TO APPROPRIATE AND DISBURSE FUNDS TO THE CITY OR INCORPORATED

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1 VILLAGE FOR THE NECESSARY COSTS OF STATE REQUIREMENTS ESTABLISHED
2 BY A STATE LAW THAT BECOMES EFFECTIVE ON OR AFTER DECEMBER 23,
3 1978.