

Act No. 681
Public Acts of 2002
Approved by the Governor
December 29, 2002
Filed with the Secretary of State
December 30, 2002
EFFECTIVE DATE: December 30, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Reps. Switalski and Minore

ENROLLED HOUSE BILL No. 4092

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; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," 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:

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, 2004, 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 12 midnight on December 31, 2003. The judgeship in the thirty-eighth district of the district court, as authorized under section 8122(2), shall be filled in a special election held in November 2003, in conjunction with the November 2003 Eastpointe municipal election, in the manner provided by law. For purposes of the November 2003 special election only, the term of the candidate for district judge in the thirty-eighth district who receives the highest number of votes shall be 5 years.

(2) 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, 2004 in the municipal court abolished pursuant to subsection (1) are appealable in like manner and to the same courts as applicable before that date.

(3) Subsections (1) and (2) do not apply, and any district judgeship proposed for the thirty-eighth district is not 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 the effective date of this section and not later than 4 p.m. April 12, 2003. 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.

(4) 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 1979 PA 101, MCL 21.231 to 21.244, 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.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.