

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.8178 Failure to adopt resolution approving consolidation; submission of question to vote of electors; procedure.

Sec. 8178. (1) If it is proposed by law to consolidate 2 or more districts and 1 or all of the district control units fail, not less than 180 days before the next general election, to adopt a resolution approving the consolidation as provided in section 8177, then any 1 of the district control units designated for consolidation may submit, by resolution adopted by all of the governing bodies within the district, the question of consolidation to a vote of the electors in the county in which the consolidation is proposed. The resolutions shall be submitted to the county clerk of the county where the consolidation is proposed not later than 60 days before the general election. The question shall be submitted and placed on the ballot at the next general election.

(2) By proposing or authorizing a consolidation of districts, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body and electors, approves the consolidation, then the approval constitutes an exercise of the district control unit's option to increase the level of activity and service offered in that district control unit 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 that district control unit of all expenses and capital improvements which may result from the consolidation of the districts. However, the exercise of the option does not affect the state's obligation to pay the same portion of each judge's salary which is paid by the state to other district judges as provided by law, or to appropriate and disburse funds to the district control unit for the necessary costs of state requirements established by a state law which becomes effective on or after December 23, 1978.

(3) All full-time employees of the district courts shall be transferred to the consolidated district on the effective date of the consolidation. Except as provided in any agreement of consolidation by the affected district control units, salary, seniority rights, annual leave, sick leave, and retirement benefits of transferred employees shall be preserved and continued in their positions in the consolidated district in a manner not inferior to their prior status.

(4) On the effective date of the consolidation, each incumbent district judge in both districts shall serve as a district judge in the consolidated district. If an election division is created with the same boundaries as a district before consolidation, each judge from the former district shall be considered an incumbent in the new election division.

History: Add. 1988, Act 135, Imd. Eff. May 27, 1988.

Compiler's note: Section 2 of Act 135 of 1988 provides:

"Any additional district judgeship to be added by election in 1988 shall not be authorized to be filled by election unless each district control unit of the district, by resolution adopted by the governing body of the district control unit, approves the creation of that judgeship and unless the clerk of each district control unit adopting such a resolution files a copy of the resolution with the state court administrator not later than 4 p.m. of the tenth Tuesday preceding the August primary for the election to fill the additional district judgeship."