

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

600.9941 District court in thirty-sixth district; commencement; abolition of common pleas court and traffic and ordinance division of recorder's court; election of district judges; incumbent judge of common pleas court as judge of district court; affidavit of candidacy; elections to fill new district judgeships; terms.

Sec. 9941. (1) Effective September 1, 1981, the district court shall commence to function in the thirty-sixth district and as of that date the common pleas court of the city of Detroit and the traffic and ordinance division of the recorder's court of the city of Detroit are abolished.

(2) In the thirty-sixth district, district judges shall be elected as provided in this section, section 8121a, and chapter 21a of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.467 to 168.467n of the Michigan Compiled Laws.

(3) Effective September 1, 1981, each elected incumbent judge of the common pleas court of the city of Detroit shall become a judge of the district court within the thirty-sixth district and shall serve as a district judge until January 1 of the year in which his or her term as a judge of the common pleas court would normally have expired. Effective September 1, 1981, each incumbent judge of the common pleas court of the city of Detroit who has been appointed to that office by the governor after January 1, 1981, shall become a judge of the district court within the thirty-sixth district and shall serve as a district judge until January 1 next succeeding the first general election held after the vacancy to which he or she was appointed occurs, at which election a successor shall be elected for the remainder of the unexpired term which the predecessor incumbent of the common pleas court serving on December 30, 1980, would have served had that incumbent remained in office until his or her term would normally have expired. In seeking election to the district court after September 1, 1981, a judge of the common pleas court becoming a judge of the district court pursuant to this subsection may file an affidavit of candidacy in like manner as other incumbent judges of the district court, and shall be entitled to designation on the ballot as a judge of the district court.

(4) Pursuant to the authority granted by section 23 of article 6 of the constitution of 1963, a special primary election shall be held on September 15, 1981, and a special general election shall be held on November 3, 1981, to fill the 7 new offices of district judge created pursuant to section 8121a(3) in the thirty-sixth district of the district court. The 2 candidates receiving the highest number of votes in this special general election in 1981 shall be elected for a term of 9 years, the candidates receiving the third and fourth highest number of votes shall be elected for a term of 7 years, and the candidates receiving the fifth, sixth, and seventh highest number of votes shall be elected for a term of 5 years.

(5) Seven district judgeships created pursuant to section 8121a(4) for the thirty-sixth district shall be filled by election in 1982. The 2 candidates receiving the highest number of votes in the 1982 general election shall be elected for a term of 8 years, the candidates receiving the third, fourth, and fifth highest number of votes shall be elected for a term of 6 years, and the candidates receiving the sixth and seventh highest number of votes shall be elected for a term of 4 years.

(6) Two district judgeships created pursuant to section 8121a(5) for the thirty-sixth district shall be filled by election in 1984. The 2 candidates receiving the highest number of votes in the 1984 general election shall be elected for a term of 6 years.

History: Add. 1980, Act 438, Eff. May 1, 1981;—Am. 1981, Act 3, Eff. Apr. 30, 1981;—Am. 1981, Act 146, Imd. Eff. Nov. 10, 1981.

Compiler's note: Sections 2 and 3 of Act 438 of 1980 provide:

“Conditional effective date; action constituting exercise of option; effect of exercising option.

“Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

“(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne 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 the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978.”

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of

commissioners of the county of Wayne on April 30, 1981.

“Effective date of Chapter 91 and certain sections.

“Section 3. Chapter 91 and sections 224, 541, 549f, 594, 595, 8121a, 8275, 9941, 9943, 9945, and 9946 shall take effect May 1, 1981.”

Sections 2, 3, and 4 of Act 146 of 1981 provide:

“Repeal of MCL 600.8286, 600.8287, and 600.8288; effective date of repeal; exception.

“Section 2. Except as provided in enacting section 4, sections 8286, 8287, and 8288 of Act No. 236 of the Public Acts of 1961, being sections 600.8286, 600.8287, and 600.8288 of the Compiled Laws of 1970, are repealed effective January 1, 1983.

“Effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501; exception.

“Section 3. Except as provided in enacting section 4, sections 8286, 8287, 8288, and 8501 shall take effect December 1, 1981.

“Conditional effective date of MCL 600.8286, 600.8287, 600.8288, and 600.8501, and of enacting Section 2; adoption and filing of resolution by city of Detroit; effect of assuming responsibility for expenses.

“Section 4. (1) Sections 8286, 8287, 8288, and 8501 and enacting section 2 shall not take effect unless the city of Detroit, by resolution adopted not later than November 30, 1981, by the governing body of the city, agrees to assume responsibility for any expenses required of the city by this amendatory act and an authenticated copy is filed with the secretary of state not later than 4 p.m. November 30, 1981.

“(2) If the city of Detroit, acting through its governing body, agrees to assume responsibility for any expenses required of the city by this amendatory act, that action constitutes an exercise of the city's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit 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 the city of all expenses and capital improvements which may result from establishment of the office of district court referee in the thirty-sixth district of the district court.”

The resolution referred to in Section 4 was adopted by the city council of the city of Detroit on November 25, 1981, and an authenticated copy was filed with the secretary of state at 3:30 p.m. on November 30, 1981.