

Act No. 135  
Public Act of 1988  
Approved by the Governor  
May 27, 1988  
Filed by the Secretary of State  
May 27, 1988

**STATE OF MICHIGAN  
84TH LEGISLATURE  
REGULAR SESSION OF 1988**

Introduced by Senators Ehlers, Schwarz, Welborn, Faxon and Arthurhultz

# **ENROLLED SENATE BILL No. 796**

AN ACT to amend sections 8120, 8121a, 8122, 8123, 8125, 8130, 8175, 8251, and 8501 of Act No. 236 of the Public Acts of 1961, entitled as amended "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; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," section 8120 as amended by Act No. 95 of the Public Acts of 1984, section 8121a as amended by Act No. 146 of the Public Acts of 1981, section 8123 as amended by Act No. 142 of the Public Acts of 1984, section 8125 as amended and section 8175 as added by Act No. 129 of the Public Acts of 1980, and section 8501 as amended by Act No. 278 of the Public Acts of 1984, being sections 600.8120, 600.8121a, 600.8122, 600.8123, 600.8125, 600.8130, 600.8175, 600.8251, and 600.8501 of the Michigan Compiled Laws; and to add sections 8177 and 8178.

*The People of the State of Michigan enact:*

Section 1. Sections 8120, 8121a, 8122, 8123, 8125, 8130, 8175, 8251, and 8501 of Act No. 236 of the Public Acts of 1961, section 8120 as amended by Act No. 95 of the Public Acts of 1984, section 8121a as amended by Act No. 146 of the Public Acts of 1981, section 8123 as amended by Act No. 142 of the Public Acts of 1984, section 8125 as amended and section 8175 as added by Act No. 129 of the Public Acts of 1980, and section 8501 as amended by Act No. 278 of the Public Acts of 1984, being sections 600.8120, 600.8121a, 600.8122, 600.8123, 600.8125, 600.8130, 600.8175, 600.8251, and 600.8501 of the Michigan Compiled Laws, are amended and sections 8177 and 8178 are added to read as follows:

Sec. 8120. (1) The fourteenth district consists of the county of Washtenaw except the city of Ann Arbor, is a district of the second class, and has 4 judges. If the township of Ypsilanti approves the formation of the fourteenth-b district and district judgeship subject to section 8176, effective on January 1, 1985 and through December 31, 1986, the fourteenth-a district consists of the county of Washtenaw, except the city of Ann Arbor and the township of Ypsilanti, is a district of the second class, and has 4 judges. Effective on January 1, 1987, the fourteenth-a district consists of the county of Washtenaw, except the city of Ann Arbor and the township of Ypsilanti, is a district of the second class, and has 3 judges.

(2) If the township of Ypsilanti approves the formation of the fourteenth-b district and district judgeship subject to section 8176, effective on January 1, 1985, the fourteenth-b district consists of the township of Ypsilanti, is a district of the third class, and has 1 judge.

(3) The fifteenth district consists of the city of Ann Arbor, is a district of the third class, and has 3 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1991.

Sec. 8121a. (1) The thirty-sixth district consists of the city of Detroit and is a district of the third class.

(2) Commencing September 1, 1981, the thirty-sixth district shall have 13 judges.

(3) Commencing January 1, 1982, the thirty-sixth district shall have 20 judges.

(4) Commencing January 1, 1983, the thirty-sixth district shall have 27 judges.

(5) Commencing January 1, 1985, the thirty-sixth district shall have 29 judges.

(6) Commencing January 1, 1989, subject to section 8175, the thirty-sixth district may have 2 additional judges. If new offices of judge are added to this district pursuant to this subsection, for the first general election only, the term of the candidate receiving the greatest number of votes shall be 6 years and the term of the next candidate receiving the greatest number of votes shall be 4 years.

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 East Detroit, 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 2 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1989. If a new office of judge is added to this district to be filled by election in 1988, the term of office of the judge for that election only shall be 4 years.

(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 2 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1989. If a new office of judge is added to this district to be filled by election in 1988, the term of office of the judge for that election only shall be 4 years.

(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. 8123. (1) The forty-third district consists of the cities of Madison Heights, Ferndale, and Hazel Park, is a district of the third class, and has 3 judges. Subject to either section 8177 or 8178, this district shall be consolidated with the fifty-second district and become the fifth division effective January 2, 1991.

(2) The forty-fourth district consists of the city of Royal Oak, is a district of the third class, and has 2 judges.

(3) The forty-fifth-a district consists of the city of Berkley, is a district of the third class, and has 1 judge. Subject to either section 8177 or 8178, this district shall be consolidated with the fifty-second district and become the sixth division effective January 2, 1991.

(4) The forty-fifth-b district consists of the cities of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in the county of Oakland, is a district of the third class, and has 2 judges. Subject to either section 8177 or 8178, this district shall be consolidated with the fifty-second district and become the seventh division effective January 1, 1991.

(5) The forty-sixth district consists of the cities of Southfield and Lathrup Village and the township of Southfield in the county of Oakland, is a district of the third class, and has 3 judges.

(6) The forty-seventh district consists of the cities of Farmington and Farmington Hills, is a district of the third class, and has 2 judges.

(7) The forty-eighth district consists of the cities of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and Orchard Lake Village and the townships of Bloomfield and West Bloomfield in the county of Oakland, is a district of the third class, and has 3 judges. Subject to either section 8177 or 8178, this district shall be consolidated with the fifty-second district and become the eighth division effective January 2, 1991.

(8) The fiftieth district consists of the city of Pontiac, is a district of the third class, and has 4 judges.

(9) The fifty-first district consists of the township of Waterford in the county of Oakland, is a district of the third class, and has 2 judges.

(10) Except as otherwise provided by this subsection, the fifty-second district consists of the county of Oakland except the cities of Madison Heights, Ferndale, Hazel Park, Royal Oak, Berkley, Huntington Woods, Oak Park, Pleasant Ridge, Southfield, Lathrup Village, Farmington, Farmington Hills, Northville, Sylvan Lake, Keego Harbor, Orchard Lake Village, Birmingham, Bloomfield Hills, and Pontiac and the townships of Royal Oak, Southfield, West Bloomfield, Bloomfield, and Waterford, is a district of the second class, and is divided into the following election divisions:

(a) The first division consists of the cities of Novi, South Lyon, Wixom, and Walled Lake and the townships of Milford, Highland, Rose, White Lake, Commerce, Lyon, and Novi and has 3 judges.

(b) The second division consists of the townships of Springfield, Independence, Holly, Groveland, and Brandon and has 1 judge.

(c) The third division consists of the cities of Rochester, Auburn Hills, Rochester Hills, and Lake Angelus and the townships of Oxford, Addison, Orion, and Oakland and has 2 judges. Subject to section 8175, this division may have 1 additional judge effective January 2, 1989.

(d) The fourth division consists of the cities of Troy and Clawson and has 3 judges.

(e) Subject to either section 8177 or 8178, effective January 1, 1991, the fifth division shall consist of the cities of Madison Heights, Ferndale, and Hazel Park, and have 3 judges.

(f) Subject to either section 8177 or 8178, effective January 2, 1991, the sixth division shall consist of the city of Berkley, and have 1 judge.

(g) Subject to either section 8177 or 8178, effective January 2, 1991, the seventh division shall consist of the cities of Huntington Woods, Oak Park, and Pleasant Ridge and the township of Royal Oak in the county of Oakland, and have 2 judges.

(h) Subject to either section 8177 or 8178, effective January 2, 1991, the eighth division shall consist of the cities of Birmingham, Bloomfield Hills, Sylvan Lake, Keego Harbor, and Orchard Lake Village and the townships of Bloomfield and West Bloomfield in the county of Oakland, and have 3 judges.

Sec. 8125. (1) The fifty-fourth-a district consists of the city of Lansing, is a district of the third class, and has 5 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1981.

(2) The fifty-fourth-b district consists of the city of East Lansing, is a district of the third class, and has 1 judge. Subject to section 8175, this district may have 1 additional judge effective January 1, 1990. If a new office of judge is added to this district to be filled by election in 1989, the term of office for that election only shall be 5 years.

(3) The fifty-fifth district consists of the county of Ingham except the cities of Lansing and East Lansing, is a district of the second class, and has 2 judges.

Sec. 8130. (1) The sixty-first district consists of the city of Grand Rapids, is a district of the third class and has 5 judges. Subject to section 8175, this district may have 1 additional judge effective January 1, 1989.

(2) The sixty-second-a district consists of the city of Wyoming, is a district of the third class and has 2 judges.

(3) The sixty-second-b district consists of the city of Kentwood, is a district of the third class and has 1 judge.

(4) The sixty-third district consists of the county of Kent except the cities of Grand Rapids, Walker, Grandville, Wyoming and Kentwood, is a district of the second class and is divided into the following election divisions:

(a) The first division consists of the cities of Cedar Springs and Rockford and the townships of Tyrone, Solon, Nelson, Spencer, Sparta, Algoma, Courtland, Oakfield, Alpine, Plainfield, Cannon and Grattan and has 1 judge.

(b) The second division consists of the cities of East Grand Rapids and Lowell and the townships of Grand Rapids, Ada, Vergennes, Cascade, Lowell, Byron, Gaines, Caledonia and Bowne and has 1 judge.

Sec. 8175. (1) The additional district judgeships permitted by this chapter 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 thirteenth Tuesday preceding the August primary for the election to fill the additional district judgeship. The state court administrator shall immediately notify the elections division of the department of state with respect to each new district judgeship authorized pursuant to this subsection.

(2) By permitting an additional judgeship, the legislature is not creating that judgeship. If a district control unit, acting through its governing body, approves the creation of an additional district judgeship, that approval constitutes an exercise of the district control unit's option to provide a new activity or service or to increase the level of activity or service offered in the 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 the district control unit of all expenses and capital improvements which may result from the creation of the judgeship. However, the exercise of the option does not affect the state's obligation to pay the same portion of the additional judge's salary which is paid by the state to the other district judges in the same district, 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) Each additional district judgeship created pursuant to subsection (1) shall be filled by election pursuant to the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The first term of each additional district judgeship shall be 6 years, unless the law permitting the additional judgeship provides for a term of a different length.

Sec. 8177. (1) If it is proposed by law to consolidate a district of the third class into or with a district of the second class, that consolidation shall not take effect unless each district control unit in both districts, by resolution adopted by the governing body of the district control unit, approves the consolidation and unless the clerk of each district control unit in both districts adopting the resolution files a copy of the resolution with the state court administrator. The consolidation shall take effect upon a date agreed to by all district control units of both districts but not less than 60 days after the last affected district control unit adopted its resolution. The state court administrator shall immediately notify the elections division of the department of state when a consolidation has been approved under this section and the date on which the consolidation will take effect. This subsection shall apply whether the consolidated district remains a district of the second class or the consolidation results in a district of the first class.

(2) By proposing or authorizing a consolidation of a district of the third class into or with a district of the second class, the legislature is not creating a new obligation for any affected district control unit. If a district control unit, acting through its governing body, 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 court in the district of the third class shall be transferred to the district court in 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.

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.

Sec. 8251. (1) In districts of the first class the court shall sit at each county seat and at each city having a population of 3,250 or more except the court shall not be required to sit at any city when it is contiguous to the county seat or contiguous to a city having a greater population. The court shall also sit at other places as the judges of the district determine. The court shall sit not less than once each week in each county of a multicounty district.

(2) In districts of the second class the court shall sit at any county seat within the district, at each city and incorporated village within the district having a population of 3,250 or more except that when 2 or more cities or incorporated villages are contiguous the court need sit only in the city having the greater population. The court shall not be required to sit in any political subdivision if the governing body of that subdivision by resolution and the court agree that the court shall not sit in the political subdivision. If the district does not contain a county seat and does not contain any city or incorporated village having a population of 3,250 or more, the court shall sit at a place or places within the district which the judges of the district shall determine. In addition to the place or places where the court is required to sit, the court may upon agreement of a majority of the judges of the district and upon approval by resolution of the board of commissioners also sit at the county seat of its district control unit situated outside the district, but the court shall sit not less than once each week within the district. If the district does not contain any city, then the foregoing provisions of this subsection shall not apply to the district, and the court shall sit at the county seat of its district control unit situated outside the district. In addition to the place or places where the court is required to sit pursuant to the provisions of this subsection, the court may sit at a place or places within the district as the judges of the district determine. Whenever the court sits at a county seat situated outside the district pursuant to this subsection, it shall exercise the same powers, jurisdiction, and venue as if sitting within the district.

(3) In districts of the third class the court shall sit at each city having a population of 3,250 or more and within each township having a population of 12,000 or more and at other places as the judges of the district determine. The court shall not be required to sit in any political subdivision if the governing body of that subdivision by resolution and the court agree that the court shall not sit in the political subdivision.

(4) Each judge of the district shall sit at places within the district as the presiding judge designates.

(5) Whenever the word "population" is used, it means population according to the most recent federal decennial census, except that the most recent census shall not apply until the expiration of 18 months from the date on which the census is taken.

Sec. 8501. (1) In a county which elects by itself fewer than 2 district judges, the county board of commissioners shall provide for 1 district court magistrate. In all other counties in districts of the first and second class, the county board of commissioners shall provide for at least 1 magistrate when recommended by the judges of the district. Additional magistrates may be provided by the board upon recommendation of the judges. All magistrates provided for shall be appointed by the judges of the district and the appointments shall be subject to approval by the county board of commissioners before a person assumes the duties of the office of magistrate.

(2) In each district of the third class, the judge or judges of the district may appoint 1 or more district court magistrates. A person shall not be appointed magistrate unless the person is a registered elector in the district for which the person was appointed. Before a person assumes the duties of the office of magistrate in a district of the third class, the appointment of that person as a district court magistrate shall be subject to approval by the governing body or bodies of the district control unit or units which, individually or in the aggregate, contain more than 50% of the population of the district. This subsection shall not apply to the thirty-sixth district.

(3) The thirty-sixth district shall have not more than 6 district court magistrates. The chief judge of the thirty-sixth district may appoint 1 or more magistrates as permitted by this subsection. If a vacancy occurs in the office of district court magistrate, the chief judge may appoint a successor. Each magistrate appointed under this subsection shall serve at the pleasure of the chief judge of the thirty-sixth district.

(4) A person shall not be appointed district court magistrate under subsection (3) unless the person is a registered elector in the district.

Section 2. 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.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved .....

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Governor.