

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 810

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 9940 (MCL 600.9940), as amended by 1982 PA 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9940. (1) Subject to subsection (5), the district court
2 shall commence to function as of January 1, 1983 in the thirty-
3 second-b district and as of that date, all municipal courts within
4 that district ~~shall be~~ **ARE** abolished. The term of the incumbent
5 municipal judges in each city ~~which~~ **THAT** will ~~comprise~~ **COMPRISE**
6 the thirty-second-b district on January 1, 1983 ~~, shall expire~~
7 **EXPIRES** at 12 p.m. on December 31, 1982.

8 (2) In the first election of a district court judge for the
9 thirty-second-b district, the candidate receiving the highest

1 number of votes in the general election to fill that office shall
2 serve a term of 6 years. The election of the district court judge
3 for the thirty-second-b district ~~shall~~**MUST** take place pursuant to
4 chapter XXIA of ~~Act No. 116 of the Public Acts of 1954, as amended,~~
5 ~~being sections 168.467 to 168.467n of the Michigan Compiled~~
6 ~~Laws.~~**THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.467 TO**
7 **168.467M.**

8 (3) All causes of action transferred to the district court
9 pursuant to section 9924(1) shall be as valid and subsisting as
10 they were in the court from which they were transferred. All orders
11 and judgments entered before January 1, 1983 ~~,~~in the municipal
12 courts ~~which~~**THAT** are abolished ~~pursuant to~~**UNDER** subsection (1)
13 ~~shall be~~**ARE** appealable in like manner and to the same courts as
14 applicable before that date.

15 (4) The rights and privileges accorded under section 8271(4),
16 (5), and (6) to employees of courts abolished by section 9921 ~~shall~~
17 apply to employees of the municipal courts abolished by subsection
18 (1) to the same extent and effect.

19 (5) Subsections (1) to (4) shall not apply nor shall any
20 district judgeship proposed for the thirty-second-b district be
21 authorized or filled by election unless each city and incorporated
22 village in the thirty-second-b district, by resolution adopted by
23 its governing body, approves the establishment of the district
24 court in the thirty-second-b district and the district judgeship
25 proposed for that district and unless the clerk of each city and
26 incorporated village adopting ~~such~~a resolution files a copy of the
27 resolution with the secretary of state not later than 4 p.m. of May

1 11, 1982. The secretary of state shall immediately notify the state
2 court administrator with respect to the establishment of the
3 district court in the thirty-second-b district and the district
4 judgeship authorized for that district.

5 (6) If each district control unit authorizes a second district
6 court judgeship ~~pursuant to section 8121(18) and this subsection~~
7 for 1985, a district judge shall be elected in 1984 for a term of 6
8 years. If each district control unit authorizes a second district
9 court judgeship ~~pursuant to section 8121(18) and this subsection~~
10 for 1987, a district judge shall be elected in 1986 for a term of 6
11 years. The second district judgeship proposed for the thirty-
12 second-b district ~~shall~~ **MUST** not be authorized to be filled by
13 election unless each district control unit of the district, by
14 resolution of the governing body of the district control unit,
15 approves the creation of that judgeship and unless the clerk of
16 each district control unit adopting ~~such~~ a resolution files a copy
17 of the resolution with the secretary of state not later than 4 p.m.
18 of the twelfth Tuesday ~~preceeding~~ **BEFORE** the August primary to be
19 held in 1984 or 1986. The secretary of state shall immediately
20 notify the state court administrator with respect to the second
21 district judgeship authorized for the thirty-second-b district. The
22 election of the second district judge for the thirty-second-b
23 district ~~shall~~ **MUST** take place pursuant to chapter XXIA of ~~Act No.~~
24 ~~116 of the Public Acts of 1954, as amended, being sections 168.467~~
25 ~~to 168.467n of the Michigan Compiled Laws.~~ **THE MICHIGAN ELECTION**
26 **LAW, 1954 PA 116, MCL 168.467 TO 168.467M.**

27 (7) By enacting this section, the legislature is not mandating

Senate Bill No. 810 as amended April 10, 2018

1 that the district court function in the thirty-second-b district
2 nor any judgeship in the district. If a city or incorporated
3 village, acting through its governing body, approves the
4 establishment of the district court in the thirty-second-b district
5 and any district judgeship proposed by law for that district, that
6 approval constitutes an exercise of that city's or village's option
7 to provide a new activity or service or to increase the level of
8 activity or service offered in the city or village beyond that
9 required by existing law, as the elements of that option are
10 defined by ~~Act No. 101 of the Public Acts of 1979, being sections~~
11 ~~21.231 to 21.244 of the Michigan Compiled Laws, 1979 PA 101, MCL~~
12 **21.231 TO 21.244**, and a voluntary acceptance by the city or
13 incorporated village of all expenses and capital improvements ~~which~~
14 **THAT** may result from the establishment of the district court in the
15 thirty-second-b district and any judgeship. However, the exercise
16 of the option does not affect the state's obligation to pay a
17 portion of any district judge's salary as provided by law, or to
18 appropriate and disburse funds to the city or incorporated village
19 for the necessary costs of state requirements established by a
20 state law ~~which~~ **THAT** becomes effective on or after December 23,
21 1978.

22 [Enacting section 1. This amendatory act takes effect December 31,
23 2018.]

24 Enacting section 2. This amendatory act does not take effect
25 unless Senate Bill No. 809 of the 99th Legislature is enacted into
26 law.