

SENATE BILL No. 810

February 13, 2018, Introduced by Senator ROBERTSON and referred to the Committee on Elections and Government Reform.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 9940 and 9941 (MCL 600.9940 and 600.9941), section 9940 as amended by 1982 PA 40 and section 9941 as amended by 1981 PA 146.

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

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

27 (2) In the thirty-sixth district, district judges shall be

1 elected as provided in this section, section 8121a, and chapter 21a
2 ~~XXIA of Act No. 116 of the Public Acts of 1954, as amended, being~~
3 ~~sections 168.467 to 168.467n of the Michigan Compiled Laws.~~**THE**
4 **MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.467 TO 168.467M.**

5 (3) Effective September 1, 1981, each elected incumbent judge
6 of the common pleas court of the city of Detroit ~~shall become~~
7 **BECOMES** a judge of the district court within the thirty-sixth
8 district and shall serve as a district judge until January 1 of the
9 year in which his or her term as a judge of the common pleas court
10 would normally have expired. Effective September 1, 1981, each
11 incumbent judge of the common pleas court of the city of Detroit
12 who has been appointed to that office by the governor after January
13 1, 1981 ~~, shall become~~ **BECOMES** a judge of the district court within
14 the thirty-sixth district and shall serve as a district judge until
15 January 1 next succeeding the first general election held after the
16 vacancy to which he or she was appointed occurs, at which election
17 a successor shall be elected for the remainder of the unexpired
18 term which the predecessor incumbent of the common pleas court
19 serving on December 30, 1980 ~~, would have served had that incumbent~~
20 remained in office until his or her term would normally have
21 expired. In seeking election to the district court after September
22 1, 1981, a judge of the common pleas court becoming a judge of the
23 district court ~~pursuant to~~ **UNDER** this subsection may file an
24 affidavit of candidacy in like manner as other incumbent judges of
25 the district court ~~, and shall be~~ **IS** entitled to designation on the
26 ballot as a judge of the district court.

27 (4) Pursuant to the authority granted by section 23 of article

1 ~~6-VI~~ of the **STATE** constitution of 1963, a special primary election
2 ~~shall-MUST~~ be held on September 15, 1981, and a special general
3 election ~~shall-MUST~~ be held on November 3, 1981, to fill the 7 new
4 offices of district judge created ~~pursuant to-UNDER~~ section
5 ~~8121a(3)-8121A~~ in the thirty-sixth district of the district court.
6 The 2 candidates receiving the highest number of votes in this
7 special general election in 1981 ~~shall be-ARE~~ elected for a term of
8 9 years, the candidates receiving the third and fourth highest
9 number of votes ~~shall be-ARE~~ elected for a term of 7 years, and the
10 candidates receiving the fifth, sixth, and seventh highest number
11 of votes ~~shall be-ARE~~ elected for a term of 5 years.

12 (5) Seven district judgeships created ~~pursuant to-UNDER~~
13 section ~~8121a(4)-8121A~~ for the thirty-sixth district ~~shall-MUST~~ be
14 filled by election in 1982. The 2 candidates receiving the highest
15 number of votes in the 1982 general election ~~shall be-ARE~~ elected
16 for a term of 8 years, the candidates receiving the third, fourth,
17 and fifth highest number of votes ~~shall be-ARE~~ elected for a term
18 of 6 years, and the candidates receiving the sixth and seventh
19 highest number of votes ~~shall be-ARE~~ elected for a term of 4 years.

20 (6) Two district judgeships created ~~pursuant to-UNDER~~ section
21 ~~8121a(5)-8121A~~ for the thirty-sixth district ~~shall-MUST~~ be filled
22 by election in 1984. The 2 candidates receiving the highest number
23 of votes in the 1984 general election ~~shall be-ARE~~ elected for a
24 term of 6 years.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. 809

2 of the 99th Legislature is enacted into law.