



HOUSE BILL No. 4272

February 1, 1995, Introduced by Rep. Nye and referred to the Committee on Local Government.

A bill to amend sections 225, 551, 591, 8104, 8271, and 8621 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 225 as amended by Act No. 185 of the Public Acts of 1990, section 591 as added and section 8271 as amended by Act No. 438 of the Public Acts of 1980, section 8104 as amended by Act No. 127 of the Public Acts of 1980, and section 8621 as amended by Act No. 308 of the Public Acts of 1986, being sections 600.225, 600.551, 600.591, 600.8104, 600.8271, and 600.8621 of the Michigan Compiled Laws; to add section 552; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 225, 551, 591, 8104, 8271, and 8621 of
2 Act No. 236 of the Public Acts of 1961, section 225 as amended by
3 Act No. 185 of the Public Acts of 1990, section 591 as added and

1 section 8271 as amended by Act No. 438 of the Public Acts of
2 1980, section 8104 as amended by Act No. 127 of the Public Acts
3 of 1980, and section 8621 as amended by Act No. 308 of the Public
4 Acts of 1986, being sections 600.225, 600.551, 600.591, 600.8104,
5 600.8271, and 600.8621 of the Michigan Compiled Laws, are amended
6 and section 552 is added to read as follows:

7 Sec. 225. (1) The supreme court ~~shall have the right to~~
8 MAY assign a judge of any court to serve as a judge in any other
9 court in this state, except that a nonattorney probate judge may
10 only be assigned to serve as a judge in another county or probate
11 court district. The assignment of a judge under this subsection
12 shall be for a limited period or specific assignment.

13 (2) The authority granted by this section may be exercised
14 by the supreme court at its discretion through its direct order,
15 or through the court administrator. Though the court has a broad
16 discretion, it should particularly consider those cases where the
17 chief judge of a court has asked that another judge be sent to
18 that court and has properly shown any of the following:

19 (a) That the business of that court has increased beyond the
20 capacity of the judge or judges to properly dispose of.

21 (b) That a vacancy exists in the office of the judge of the
22 court.

23 (c) That a judge is unable to discharge the duties of his or
24 her office.

25 (d) Any other sufficient reason.

1 (3) If possible, judges within the same county within which
2 the court is located shall be assigned to serve as judges of that
3 court.

4 (4) Judges assigned pursuant to subsection (1) shall hold
5 court and fulfill the duties of the office just as they would had
6 they been elected in the respective court for the time they were
7 assigned to serve.

8 (5) The county or district control unit responsible for the
9 maintenance and operation of the court shall provide suitable
10 places where judges shall hold court, SUBJECT TO SECTION 552 OR
11 8104, RESPECTIVELY.

12 (6) A judge who is assigned as provided in this section
13 shall receive as salary for each day he or she serves in the
14 court \$25.00 or 1/250 of the amount by which the total annual
15 salary of a judge of the court to which he or she is assigned
16 exceeds his or her total annual salary, whichever amount is
17 greater. The salary provided in this subsection is payable by
18 the county or district control unit or units that have provided
19 an additional salary for the judicial office to which the judge
20 is assigned. In addition to that salary, a judge assigned as
21 provided in this section ~~shall be~~ IS entitled to receive actual
22 and necessary expenses for travel, meals, and lodging from the
23 county or district control unit or units that are responsible for
24 the maintenance and operation of the court to which the judge is
25 assigned. The salary and expenses shall be payable at the same
26 time and in the same manner as provided for the judicial office
27 to which the judge is assigned. The same source or sources

1 paying the salary shall return to the respective counties in
2 which the assigned circuit or probate judge was appointed or
3 elected, or to the respective district control units of the dis-
4 trict in which an assigned district judge was appointed or
5 elected, for each day served, 1/250 of the annual additional
6 salary paid by those counties or district control units to the
7 judge assigned as provided in this section. The same source or
8 sources paying the salary required by this subsection to a
9 recorder's court judge shall return to the state for each day so
10 served 1/250 of the annual additional salary paid to the
11 recorder's court judge so assigned. As used in this subsection,
12 "court" means the various circuits of the circuit court, the
13 recorder's court of the city of Detroit, the various counties and
14 probate court districts of the probate court, and the various
15 districts of the district court.

16 (7) A municipal judge who is assigned as provided in this
17 section shall be compensated as provided in section 225a.

18 Sec. 551. The COUNTY boards of ~~supervisors~~ COMMISSIONERS
19 of counties of circuits which have more than 1 circuit judge
20 shall provide additional courtroom facilities as they are
21 required for the prompt and orderly dispatch of business, SUBJECT
22 TO SECTION 552.

23 SEC. 552. (1) UPON REQUEST OF A COUNTY IN A CIRCUIT, THE
24 JUDGES OF THE CIRCUIT SHALL SUBMIT A LINE-ITEM BUDGET TO THE
25 COUNTY. THE COUNTY MAY MAKE LINE-ITEM APPROPRIATIONS FOR THE
26 CIRCUIT COURT.

1 (2) IN A CIRCUIT COMPOSED OF MORE THAN 1 COUNTY, THE
2 COUNTIES BY AGREEMENT SHALL FIX THE AMOUNT OF EACH COUNTY'S SHARE
3 OF THE EXPENSES OF MAINTAINING, FINANCING, OR OPERATING THE DIS-
4 TRICT COURT.

5 Sec. 591. (1) Except as otherwise provided by law, the
6 chief judge of the circuit court in each judicial circuit shall
7 appoint the employees of the circuit court in each judicial
8 circuit. ~~and~~ THE CHIEF JUDGE OF THE CIRCUIT COURT SHALL fix
9 ~~their~~ THE compensation OF EMPLOYEES OF THE COURT within appro-
10 priations provided by the county board of commissioners of the
11 county or counties comprising the judicial circuit, UNLESS THE
12 COMPENSATION IS FIXED BY THE COUNTY BOARD OF COMMISSIONERS OF THE
13 COUNTY OR COUNTIES THROUGH LINE-ITEM APPROPRIATIONS.

14 (2) Compensation of the employees of the circuit court in
15 each judicial circuit shall be paid by the county or counties
16 comprising the judicial circuit.

17 (3) When performing services in a courtroom, employees of
18 the circuit court are subject to the control of the judge holding
19 court in the courtroom.

20 (4) This section ~~shall~~ DOES not apply to the employees of
21 the state judicial council serving in the circuit court in the
22 third judicial circuit.

23 Sec. 8104. (1) The term "district control unit" means:

24 (a) The county in districts of the first and second class.

25 (b) The city or the township in districts of the third class
26 except as provided in subdivision (c).

1 (c) The city or the incorporated village in districts of the
2 third class in which portions of 2 townships comprise an
3 incorporated village.

4 (2) Except as otherwise provided in this act, a district
5 control unit shall be responsible for maintaining, financing, and
6 operating the court only within its political subdivision. UPON
7 REQUEST OF A DISTRICT CONTROL UNIT IN A DISTRICT, THE JUDGES OF
8 THE DISTRICT SHALL SUBMIT A LINE-ITEM BUDGET TO THE DISTRICT CON-
9 TROL UNIT. THE DISTRICT CONTROL UNIT MAY MAKE LINE-ITEM APPRO-
10 PRIATIONS FOR THE DISTRICT COURT. In ~~districts~~ A DISTRICT of
11 the third class, a political subdivision shall not be responsible
12 for the expenses of maintaining, financing, or operating the dis-
13 trict court, traffic bureau, or small claims division incurred in
14 any other political subdivision except as provided by section
15 8621 and other provisions of this act.

16 (3) IN A DISTRICT OF THE THIRD CLASS, THE DISTRICT CONTROL
17 UNITS BY AGREEMENT SHALL FIX THE AMOUNT AND EACH DISTRICT CONTROL
18 UNIT'S SHARE OF THOSE EXPENSES OF MAINTAINING, FINANCING, OR
19 OPERATING THE DISTRICT COURT THAT ARE INCURRED IN MORE THAN 1
20 DISTRICT CONTROL UNIT. One or more district control units within
21 any district may agree among themselves to share any or all of
22 ~~the~~ THOSE expenses of maintaining, financing, or operating the
23 district court THAT ARE INCURRED IN A SINGLE DISTRICT CONTROL
24 UNIT. AN AGREEMENT UNDER THIS SUBSECTION MAY SPECIFY EXPENSES BY
25 LINE ITEM. To become effective, ~~such agreements~~ AN AGREEMENT
26 UNDER THIS SUBSECTION must be approved by resolution adopted by
27 the governing body of the respective political subdivisions

1 entering into the agreement. ~~, and upon~~ UPON approval, ~~such~~
2 ~~agreements shall become~~ THE AGREEMENT IS effective and binding
3 in accordance with, to the extent of, and for ~~such~~ THE period
4 stated in ~~that~~ THE agreement.

5 (4) The district control unit shall supply such law books
6 and legal reference resources as it ~~deems~~ CONSIDERS necessary.
7 No subsidy from state funds shall be required to stock any dis-
8 trict court created by this act with law books or other legal
9 reference works.

10 Sec. 8271. (1) Except as otherwise provided, the judges of
11 the district court shall appoint the employees ~~thereof and~~ OF
12 THE COURT. THE JUDGES OF THE DISTRICT COURT SHALL fix ~~their~~
13 THE compensation OF EMPLOYEES OF THE COURT within appropriations
14 provided by the governing body of each district control unit,
15 UNLESS THE COMPENSATION IS FIXED BY THE GOVERNING BODY OF THE
16 DISTRICT CONTROL UNIT THROUGH LINE-ITEM APPROPRIATIONS.

17 (2) Compensation of employees of the district court shall be
18 paid by each district control unit, except as otherwise provided
19 in this act.

20 (3) District court employees when performing services in the
21 courtroom are subject to control of the judge holding court
22 ~~therein~~ IN THE COURTROOM.

23 (4) Except as provided in section 8273, full-time employees
24 of abolished municipal courts in districts of the third class are
25 transferred to the district court for the city in which they were
26 previously employed and all other full-time employees of

1 abolished courts shall have preferential employment rights in the
2 district court.

3 (5) Except as provided in section 8273, seniority rights,
4 annual leave, sick leave, and longevity pay and retirement bene-
5 fits to which employees of abolished courts are ~~now~~ entitled ON
6 JUNE 17, 1968 shall be preserved and continued in their positions
7 in the district court in a manner not inferior to their prior
8 status.

9 (6) Except as provided in section 8275, the obligations of
10 municipalities or other agencies of government for retirement
11 benefits to employees and personnel of abolished courts for their
12 accrued service in ~~such~~ ABOLISHED courts shall not be trans-
13 ferred from their present system. Any retirement system avail-
14 able to district court personnel shall provide retirement bene-
15 fits to employees of abolished courts not inferior to those pro-
16 vided ~~therefor~~ under their prior status.

17 Sec. 8621. (1) District court recorders and reporters shall
18 be paid by each district control unit, except that in the
19 thirty-sixth district each recorder and reporter shall be paid by
20 the state. ~~In districts consisting of more than 1 district con-~~
21 ~~trol unit, each district control unit shall contribute to the~~
22 ~~salary in the same proportion as the number of cases entered and~~
23 ~~commenced in the district control unit bears to the number of~~
24 ~~cases entered and commenced in the district, as determined by the~~
25 ~~judges of the district court under rules prescribed by the~~
26 ~~supreme court.~~

1 (2) The state shall purchase and pay for a recording device
2 for each district or municipal judge, but the replacement,
3 maintenance, and repair of the recording devices and the cost of
4 supplies shall be paid for by the district or municipality. The
5 recording devices shall be the property of the district or munic-
6 ipal court.

7 Section 2. Section 1115 of Act No. 236 of the Public Acts
8 of 1961, being section 600.1115 of the Michigan Compiled Laws, is
9 repealed.