

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

600.8274 Detroit judicial council; creation; employees of former state judicial council in thirty-sixth district court; employer; authority; collective bargaining; appointment, supervision, discipline, or dismissal of employees; chief judge as principal administrator; transfer of employees; effect of existing collective bargaining agreement; annual leave; state employees' retirement system.

Constitutionality: <Paragraph><P>The Michigan Supreme Court held in <Emph EmphType="underscore">Judicial Attorneys Association</Emph> v <Emph EmphType="underscore">Michigan</Emph>, 459 Mich 291; 597 NW2d 113 (1999), that MCL 600.593a (3)-(10) and parallel provisions of MCL 600.591, 600.837, 600.8271, 600.8273, and 600.8274 violate the separation of powers clause of Const 1963, art 3, Â§ 2 and are unconstitutional.</P></Paragraph><Paragraph><P>1996 PA 374 provided that a local council created pursuant to the act or Wayne County became the employer of the employees of the Third Circuit and Recorder's Courts. The Court ruled that because subsections (3)-(10) of MCL 600.593a are not a sufficiently limited exercise by one branch of another branch's power that they impermissibly interfere with the judiciary's inherent authority to manage its internal operations and, therefore, are unconstitutional because they violate the separation of powers clause of Const 1963, art 3, Â§ 2.</P></Paragraph>