



HOUSE BILL No. 4952

June 13, 1995, Introduced by Reps. Whyman, Ryan, Goschka, Jellema, Byl, Rocca, Law, Horton, Voorhees, DeHart, Walberg, Nye, Lowe, Hill, Bush, Bryant, Green, Jamian, Perricone, Jersevic, Middleton, Brackenridge, Palamara, Fitzgerald, Bullard, Brewer, London, DeMars, Olshove, Weeks, Kaza, Kukuk, LeTarte, Baade, Curtis, Gernaat, Bobier, Bodem, DeLange, Dalman, McNutt, Randall, Gustafson, Jaye, Porreca, Galloway, Gnodtke, Llewellyn, McManus, Bankes, Harder, Griffin, Dobb, Wetters, Munsell, Rhead and Middaugh and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 225, 308, 504, 557, 592, 1303, 1416, 1450, 1452, 4304, 4803, 8342, 9101, and 9104 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 225 as amended and section 557 as added by Act No. 185 of the Public Acts of 1990, sections 308 and 8342 as amended by Act No. 375 of the Public Acts of 1994, section 504 as amended by Act No. 129 of the Public Acts of 1980, sections 592, 9101, and 9104 as added and section 1303 as amended by Act No. 438 of the Public Acts of 1980, and section 4803 as added by Act No. 317 of the Public Acts of 1993, being sections 600.225, 600.308, 600.504, 600.557, 600.592, 600.1303, 600.1416, 600.1450, 600.1452, 600.4304, 600.4803, 600.8342, 600.9101, and 600.9104 of the Michigan Compiled Laws; to add section 9941a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 225, 308, 504, 557, 592, 1303, 1416,
2 1450, 1452, 4304, 4803, 8342, 9101, and 9104 of Act No. 236 of
3 the Public Acts of 1961, section 225 as amended and section 557
4 as added by Act No. 185 of the Public Acts of 1990, sections 308
5 and 8342 as amended by Act No. 375 of the Public Acts of 1994,
6 section 504 as amended by Act No. 129 of the Public Acts of 1980,
7 sections 592, 9101, and 9104 as added and section 1303 as amended
8 by Act No. 438 of the Public Acts of 1980, and section 4803 as
9 added by Act No. 317 of the Public Acts of 1993, being
10 sections 600.225, 600.308, 600.504, 600.557, 600.592, 600.1303,
11 600.1416, 600.1450, 600.1452, 600.4304, 600.4803, 600.8342,
12 600.9101, and 600.9104 of the Michigan Compiled Laws, are amended
13 and section 9941a is added to read as follows:

14 Sec. 225. (1) The supreme court ~~shall have~~ HAS the right
15 to assign a judge of any court to serve as a judge in any other
16 court in this state, except that a nonattorney probate judge may
17 only be assigned to serve as a judge in another county or probate
18 court district. The assignment of a judge under this subsection
19 shall be for a limited period or specific assignment.

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

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

3 (b) That a vacancy exists in the office of the judge of the
4 court.

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

7 (d) Any other sufficient reason.

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

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

15 (5) The county or district control unit responsible for the
16 maintenance and operation of the court shall provide suitable
17 places where judges shall hold court.

18 (6) A judge who is assigned as provided in this section
19 shall receive as salary for each day he or she serves in the
20 court \$25.00 or 1/250 of the amount by which the total annual
21 salary of a judge of the court to which he or she is assigned
22 exceeds his or her total annual salary, whichever amount is
23 greater. The salary provided in this subsection is payable by
24 the county or district control unit or units that have provided
25 an additional salary for the judicial office to which the judge
26 is assigned. In addition to that salary, a judge assigned as
27 provided in this section shall be entitled to receive actual and

1 necessary expenses for travel, meals, and lodging from the county
2 or district control unit or units that are responsible for the
3 maintenance and operation of the court to which the judge is
4 assigned. The salary and expenses shall be payable at the same
5 time and in the same manner as provided for the judicial office
6 to which the judge is assigned. The same source or sources
7 paying the salary shall return to the respective counties in
8 which the assigned circuit or probate judge was appointed or
9 elected, or to the respective district control units of the dis-
10 trict in which an assigned district judge was appointed or
11 elected, for each day served, 1/250 of the annual additional
12 salary paid by those counties or district control units to the
13 judge assigned as provided in this section. ~~The same source or~~
14 ~~sources paying the salary required by this subsection to a~~
15 ~~recorder's court judge shall return to the state for each day so~~
16 ~~served 1/250 of the annual additional salary paid to the~~
17 ~~recorder's court judge so assigned.~~ As used in this subsection,
18 "court" means the various circuits of the circuit court, ~~the~~
19 ~~recorder's court of the city of Detroit,~~ the various counties
20 and probate court districts of the probate court, and the various
21 districts of the district court.

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

24 Sec. 308. (1) The court of appeals has jurisdiction on
25 appeals from the following orders and judgments which shall be
26 appealable as a matter of right:

1 (a) All final judgments from the circuit court, court of
2 claims, and THE FORMER recorder's court, except judgments on
3 ordinance violations in the traffic and ordinance division of THE
4 FORMER recorder's court and final judgments and orders described
5 in subsection (2).

6 (b) Those orders of the probate court from which an appeal
7 as of right may be taken under section 861.

8 (2) The court of appeals has jurisdiction on appeal from the
9 following orders and judgments which shall be reviewable only
10 upon application for leave to appeal granted by the court of
11 appeals:

12 (a) A final judgment or order made by the circuit court
13 under any of the following circumstances:

14 (i) In an appeal from an order, sentence, or judgment of the
15 probate court under section 863(1) and (2).

16 (ii) In an appeal from a final judgment or order of the dis-
17 trict court appealed to the circuit court under section 8342.

18 (iii) An appeal from a final judgment or order of a munici-
19 pal court.

20 ~~(iv) In an appeal from an ordinance violation conviction in~~
21 ~~the traffic and ordinance division of recorder's court of the~~
22 ~~city of Detroit if the conviction occurred before September 1,~~
23 ~~1981.~~

24 (b) An order, sentence, or judgment of the probate court if
25 the probate court certifies the issue or issues under section
26 863(3).

1 (c) A final judgment or order made by the recorder's court
2 of the city of Detroit in an appeal from the district court in
3 the thirty-sixth district pursuant to section 8342(2).

4 (d) A final order or judgment from the circuit court or THE
5 FORMER recorder's court for the city of Detroit based upon a
6 defendant's plea of guilty or nolo contendere.

7 (e) Any other judgment or interlocutory order as determined
8 by court rule.

9 Sec. 504. The third judicial circuit consists of the
10 county of Wayne and has THE FOLLOWING NUMBER OF JUDGES:

11 (A) THROUGH JANUARY 1, 1996, 35 judges. ~~Subject to section~~
12 ~~550, this circuit may have 2 additional judges effective January~~
13 ~~1, 1981.~~

14 (B) BEGINNING JANUARY 1, 1996, 64 JUDGES.

15 Sec. 557. (1) As used in this section and sections 557a and
16 557b, "senior judge" means a former justice of the supreme court,
17 or a former judge of the court of appeals, circuit court, THE
18 FORMER recorder's court, probate court, district court, common
19 pleas court, or a municipal court, who meets all of the following
20 requirements:

21 (a) Was once elected to judicial office in this state.

22 (b) At the time of assignment under this section, does not
23 hold a judicial office by appointment or election.

24 (c) Has never been removed from judicial office pursuant to
25 article VI or article XI of the state constitution of 1963, or as
26 otherwise allowed by law.

1 (d) Is a member in good standing of the state bar of
2 Michigan.

3 (e) Is a legal resident of this state.

4 (2) Except as otherwise provided in this section, in any
5 nonjury civil action pending in any court of this state, with the
6 consent of all the parties to the action, the parties may stipu-
7 late to the assignment of a senior judge to hear and decide the
8 action pursuant to this section and sections 557a and 557b.

9 (3) The stipulation shall contain all of the following:

10 (a) The names of 2 senior judges, agreed upon by all the
11 parties to the action, selected from a list of senior judges
12 approved by the supreme court.

13 (b) A realistic estimate of the number of judicial hours it
14 will take to hear the action and to perform all of the functions
15 required of the senior judge.

16 (c) The hourly rate of compensation the parties agree to pay
17 the senior judge for his or her services. The hourly rate of
18 compensation shall not be greater than an hourly rate which, if
19 computed on a daily basis, would exceed the daily salary paid to
20 a judge of the court in which the action is pending.

21 (d) A realistic estimate of the costs of trial, including
22 notice, the services of a court reporter, the rental of an appro-
23 priate site to hold the trial, necessary expenses of the senior
24 judge and support staff including travel, lodging, and meals, and
25 other costs of trial as are appropriate.

1 (e) A determination as to who is responsible for initial
2 payment of the costs of the action, and who is responsible for
3 those costs upon final judgment.

4 (f) A realistic estimate of the cost to the local unit of
5 government for administering the senior judge civil action fund
6 created in section 557b, for that action.

7 (4) The stipulation shall be filed with the chief judge of
8 the court in which the action is pending together with a copy of
9 a receipt from the clerk of the court indicating that the fees
10 and costs were deposited with the clerk of the court for deposit
11 in the funds established in each judicial circuit pursuant to
12 sections 557a and 557b.

13 (5) If the chief judge of the court in which the action is
14 pending approves the stipulation of the parties, the stipulation
15 shall be forwarded to the supreme court for approval and assign-
16 ment of the senior judge. If the supreme court, through its
17 direct order or through the state court administrator, approves
18 the stipulation and assigns a senior judge named in the stipula-
19 tion, the assignment takes effect upon entry of the order of
20 approval by the chief judge.

21 (6) The senior judge assigned to hear the action shall exer-
22 cise the same powers and duties as a judge sitting without a jury
23 in the court in which the action is pending. The senior judge
24 has the same immunity from criminal and civil liability in con-
25 nection with the exercise of his or her powers and duties as
26 judge as does a judge of the court in which the action is
27 pending.

1 (7) All of the following are applicable to a senior judge,
2 while hearing and deciding an action under this section:

3 (a) The senior judge is subject to the provisions of the
4 code of judicial conduct.

5 (b) The senior judge is prohibited from holding a nonjudi-
6 cial office to the same extent as a judge of the court in which
7 the action is pending, pursuant to section 2 of article III of
8 the state constitution of 1963.

9 (c) The senior judge may be censured, suspended, or removed
10 the same as a judge of the court in which the action is pending.

11 (8) Service as a senior judge does not constitute service
12 for purposes of retirement in any public retirement system in
13 this state.

14 (9) A trial conducted pursuant to this section shall be a
15 public trial.

16 (10) A trial conducted pursuant to this section shall be
17 held within the venue of the court in which the action is
18 pending. Unless the trial is held in a facility provided by the
19 court in which the action is pending, notice of the site of the
20 trial shall be published by the clerk of the court in which the
21 action is pending in a legally designated newspaper circulating
22 within the jurisdiction of the court in which the action is pend-
23 ing not less than 7 days before the commencement date of trial
24 and shall be entered upon the court file of the court in which
25 the action is pending not less than 7 days before the date of
26 trial.

1 (11) A written transcript of the proceedings shall be filed
2 in the court in which the action is pending upon the request of
3 any party at that party's expense, or upon the request of the
4 senior judge, in which case the expense shall be allocated by the
5 senior judge among the parties.

6 (12) Except for good cause shown to the chief judge of the
7 court in which the action is pending, a final judgment shall be
8 entered by the senior judge within 21 days after all parties have
9 submitted their closing proofs and arguments. An order, deci-
10 sion, or judgment of the senior judge is conclusive, and appeal
11 shall not be available to any party. The order, decision, or
12 judgment is enforceable to the same extent as an order, decision,
13 or judgment of the court in which the action was pending.

14 (13) If neither of the senior judges selected by the parties
15 is assigned by the supreme court, or if the assigned senior judge
16 is unable to hear the action for any reason, both of the follow-
17 ing shall apply:

18 (a) The parties to the stipulation may select 2 other senior
19 judges from the list approved by the supreme court and resubmit
20 the stipulation for approval and assignment of a senior judge to
21 hear the action without the payment of an additional stipulation
22 assignment fee under section 557a.

23 (b) Any of the parties to the stipulation may elect to with-
24 draw the stipulation for the assignment of a senior judge and all
25 deposits paid will be refunded except the stipulation assignment
26 fee under section 557a.

1 (14) A stipulation for the assignment of a senior judge to
2 hear the action may be withdrawn only as provided in subsection
3 (13) or with the consent of the senior judge assigned to hear the
4 action. Upon withdrawal of a stipulation for the assignment of a
5 senior judge to hear the action, the action shall regain the same
6 status it had before the filing of the stipulation or as may be
7 ordered by the chief judge of the court in which the action is
8 pending.

9 Sec. 592. (1) Except as otherwise provided by law, the
10 ~~executive~~ chief judge of the circuit court in the third judi-
11 cial circuit ~~and the recorder's court of the city of Detroit~~
12 shall appoint the employees of the state judicial council serving
13 in the circuit court in the third judicial circuit except for a
14 judge's secretary, if any, or a judge's law clerk, if any.

15 (2) The ~~executive~~ chief judge of the circuit court in the
16 third judicial circuit ~~and the recorder's court~~ shall fix the
17 compensation of the employees of the state judicial council serv-
18 ing in the circuit court in the third judicial circuit within
19 appropriations provided by the state.

20 (3) Compensation of employees of the state judicial council
21 serving in the circuit court in the third judicial circuit shall
22 be paid by the state.

23 (4) Employees of the state judicial council serving in the
24 circuit court in the third judicial circuit are subject to the
25 control of the judge holding court when performing services in
26 the courtroom.

1 (5) The exercise of the duties and authority enumerated in
2 this section shall be subject to personnel policies and
3 procedures established by the state judicial council pursuant to
4 section 9104, and the employee rights, privileges, and protec-
5 tions specified in section 593.

6 (6) As used in subsections (7), (8), and (9), "court clerk
7 services" means any activity related to the processing of or
8 record keeping in a case filed in the circuit court in the third
9 judicial circuit.

10 (7) In the third judicial circuit, court clerk services
11 shall be provided by employees of the county of Wayne who are
12 under the supervision and control of the county clerk who is the
13 clerk of the circuit court in the third judicial circuit. The
14 county clerk and the chief judge of the circuit court in the
15 third judicial circuit shall develop standards for the delivery
16 of court clerk services in the third judicial circuit.

17 (8) The state shall reimburse the county of Wayne for the
18 court clerk services provided pursuant to subsection (7). The
19 amount of reimbursement shall be based on rates of compensation
20 equal to the salary and fringe benefits which would be paid by
21 the state judicial council to employees of the council in a com-
22 parable job classification if such employees were hired pursuant
23 to section 9105(e). Reimbursement shall be made pursuant to a
24 quarterly certification signed by both the chief judge and the
25 county clerk.

26 (9) The requirements of subsections (7) and (8) shall not
27 abrogate, diminish, or impair existing or future collective

1 bargaining agreements between the county and the employees of the
 2 county providing the court clerk services, or infringe upon the
 3 constitutional responsibility of the county clerk to supervise
 4 the employees of the county providing the court clerk services.

5 Sec. 1303. The county board of commissioners of counties
 6 other than the county of Wayne may authorize assistants to the
 7 jury board and fix their salaries. In the county of Wayne, the
 8 ~~executive~~ chief judge of the circuit court in the third judi-
 9 cial circuit ~~and the recorder's court of the city of Detroit~~
 10 may authorize employees of the state judicial council serving in
 11 the circuit court in the third judicial circuit ~~or the~~
 12 ~~recorder's court~~ to assist the jury board.

13 Sec. 1416. (1) The following courts are courts of record
 14 and possess seals:

- 15 (a) ~~the~~ THE supreme court. ~~,~~
- 16 (b) ~~the several~~ THE circuit courts. ~~,~~
- 17 (c) ~~the several~~ THE probate courts. ~~,~~
- 18 ~~(d) the recorder's court of Detroit,~~
- 19 (D) ~~(e) the~~ THE court of claims. ~~, and~~
- 20 (E) ~~(f) any~~ ANY other courts the legislature designates as
 21 courts of record.

22 (2) Whenever the seal of any court becomes unusable, the
 23 court shall have that seal destroyed.

24 (3) Whenever the seal of any court is lost or destroyed,
 25 that court shall have a duplicate made which then shall become
 26 the seal of that court.

1 (4) The expense of a new seal for a court shall be paid from
2 the state treasury.

3 Sec. 1450. The court administrator, under the supervision
4 and direction of the supreme court, shall call an annual state-
5 wide meeting of the circuit judges ~~and the judges of the~~
6 ~~recorder's court of the city of Detroit~~ and an annual statewide
7 meeting of the probate judges of the state, and such additional
8 statewide and regional meetings of such judges, or any number of
9 them, as he OR SHE may at the direction of the supreme court ~~,~~
10 from time to time determine. ~~,~~ THE MEETINGS SHALL BE for the
11 purpose of studying the organization, rules, methods of procedure
12 and practice of the judicial system of this state, the problems
13 of administration confronting the courts and the judicial system
14 in general and making recommendations for the modification or
15 amelioration of existing conditions, for harmonizing and improv-
16 ing laws, or for amendments to the rules and statutes relating to
17 practice and procedure in the judicial system of the state.

18 Sec. 1452. The judges shall attend ~~such~~ THE meetings
19 AUTHORIZED UNDER SECTION 1450 when and as directed by the STATE
20 court administrator. Each justice of the supreme court, judges
21 of the court of appeals, the circuit judges, ~~judges of the~~
22 ~~recorder's court of the city of Detroit,~~ the probate judges, and
23 the STATE court administrator who ~~shall be in attendance at such~~
24 ~~meetings~~ ATTEND A MEETING shall be reimbursed from the state
25 treasury, upon the warrant of the state treasurer, for their
26 actual and necessary expenses incurred in attending ~~such~~
27 ~~meetings~~ THAT MEETING.

1 Sec. 4304. The writ of habeas corpus to inquire into the
2 cause of detention, or an order to show cause why the writ should
3 not issue, may be issued by the following:

4 (1) The supreme court, or a justice thereof.

5 (2) The court of appeals, or a judge thereof.

6 (3) The circuit courts, or a judge thereof.

7 ~~(4) The municipal courts of record, including but not~~
8 ~~limited to the recorder's court of the city of Detroit, common~~
9 ~~pleas court, or a judge thereof.~~

10 (4) ~~(5)~~ The district courts, or a judge thereof.

11 Sec. 4803. (1) A person who fails to pay a penalty, fee, or
12 costs in full within 56 days after that amount is due and owing
13 is subject to a late penalty equal to 20% of the amount owed.
14 The court shall inform a person subject to a penalty, fee, or
15 costs that the late penalty will be applied to any amount that
16 continues to be unpaid 56 days after the amount is due and
17 owing. Penalties, fees, and costs are due and owing at the time
18 they are ordered unless the court directs otherwise. The court
19 shall order a specific date on which the penalties, fees, and
20 costs are due and owing. If the court authorizes delayed or
21 installment payments of a penalty, fee, or costs, the court shall
22 inform the person of the date on which, or time schedule under
23 which, the penalty, fee, or costs, or portion of the penalty,
24 fee, or costs, will be due and owing. A late penalty may be
25 waived by the court upon the request of the person subject to the
26 late penalty.

1 (2) Within 30 days after receiving a late penalty, the clerk
2 of the court shall transmit the amount received to the treasurer
3 or chief financial officer of the funding unit of the court, for
4 deposit in the general fund of the funding unit.

5 (3) As used in this section, "funding unit" means 1 of the
6 following as applicable:

7 (a) For a circuit other than the third circuit of the cir-
8 cuit court, each county in the circuit.

9 (b) For the third circuit of the circuit court, ~~and the~~
10 ~~recorder's court,~~ the state.

11 (c) For a district other than the thirty-sixth district of
12 the district court, the district control unit of the district, as
13 defined in section 8104.

14 (d) For the thirty-sixth district of the district court, the
15 state.

16 (e) For a municipal court, the political unit where the
17 municipal court is located.

18 (4) This section is repealed effective January 1, 1998.

19 Sec. 8342. (1) Except as provided in subsection (2),
20 appeals from the district court shall be to the circuit court for
21 the county in which the judgment is rendered.

22 (2) All appeals in misdemeanor or ordinance violation cases
23 tried in the district court in the thirty-sixth district, or in a
24 felony case over which the district court in the thirty-sixth
25 district has jurisdiction before trial, shall be to the
26 ~~recorder's court of the city of Detroit~~ CIRCUIT COURT IN THE
27 THIRD CIRCUIT. As used in this subsection, "ordinance violation"

1 means that term as defined in section 1 of chapter I of Act
2 No. 175 of the Public Acts of 1927, as amended, being section
3 761.1 of the Michigan Compiled Laws.

4 (3) Except as provided in subsections (4) and (5), all
5 appeals from final judgments shall be as of right and all other
6 appeals shall be by application.

7 (4) All appeals to the court of appeals from judgments
8 entered by the circuit court or the FORMER recorder's court on
9 appeals from the district court shall be by application.

10 (5) All appeals from final orders and judgments based upon
11 pleas of guilty or nolo contendere shall be by application.

12 Sec. 9101. (1) A state judicial council is established.
13 The council is the employer of the employees of the judicial
14 branch of state government who serve in the circuit,
15 ~~recorder's,~~ district, or probate court and who are paid by the
16 state, but is not the employer of judges. For purposes of com-
17 pensation only, the council is the employer of district court
18 magistrates.

19 (2) Except as provided in section 9102, the council shall be
20 composed of the state court administrator, who shall serve as the
21 chairperson of the council, 2 judges of the circuit court, ~~or of~~
22 ~~the recorder's court of the city of Detroit,~~ 2 judges of the
23 district court, 2 judges of the probate court, and the director
24 of the department of management and budget. The members of the
25 council who are judges shall be nominated and appointed pursuant
26 to subsections (3) to (5).

1 (3) The judges of the circuit court ~~and the recorder's~~
2 ~~court~~ shall nominate 4 circuit ~~or recorder's~~ court judges for
3 the positions on the council to be filled by judges of the cir-
4 cuit ~~or recorder's~~ court. At least 2 of the nominees shall be
5 judges of the ~~recorder's court or of the~~ circuit court in judi-
6 cial circuits in which the employees who serve in the court or
7 circuit are employees of the state judicial council. The chief
8 justice of the supreme court shall appoint 2 judges from the list
9 of nominees. At least 1 of the appointees shall be a judge ~~of~~
10 ~~the recorder's court or~~ of the circuit court in a judicial cir-
11 cuit in which the employees who serve in the court or circuit are
12 employees of the state judicial council. Not more than 1 of the
13 appointees shall be a judge elected or appointed within a county
14 having a population of more than 2,000,000.

15 (4) The judges of the district court shall nominate 4 dis-
16 trict judges for the positions on the council to be filled by
17 judges of the district court. At least 2 of the nominees shall
18 be judges of the district court in judicial districts in which
19 the employees who serve in the district are employees of the
20 state judicial council. The chief justice shall appoint 2 judges
21 from the list of nominees. At least 1 of the appointees shall be
22 a judge of the district court in a judicial district in which the
23 employees who serve in the district are employees of the state
24 judicial council. Not more than 1 of the appointees shall be a
25 judge elected or appointed within a county having a population of
26 more than 2,000,000.

1 (5) The judges of the probate court shall nominate 4 probate
2 judges for the positions on the council to be filled by judges of
3 the probate court. The chief justice shall appoint 2 judges from
4 the list of nominees. Not more than 1 of the appointees shall be
5 a judge elected or appointed within a county having a population
6 of more than 2,000,000.

7 (6) The supreme court shall provide for a method of nomina-
8 tion and election of members of the council in a manner substan-
9 tially similar to the method of nomination and election of com-
10 missioners of the state bar, and shall notify the joint legisla-
11 tive committee described in section 9946 of the method selected.

12 (7) A member of the council who is a judge shall serve for a
13 term of 4 years. A member who is a judge shall not be
14 reappointed. Of the judges first appointed, 1 circuit judge, 1
15 district judge, and 1 probate judge shall be appointed for a term
16 of 2 years.

17 (8) A member of the council who is a judge may be removed
18 for cause by the chief justice.

19 (9) A vacancy in a position on the council, other than that
20 held by the state court administrator or the director of the
21 department of management and budget, shall be filled for an unex-
22 pired term in the same manner as an original appointment.

23 (10) For purposes of negotiating a contract, the ~~executive~~
24 chief judge of the circuit court in the third judicial circuit,
25 ~~and the recorder's court of the city of Detroit,~~ or the chief
26 judge of the judicial circuit of the circuit court, of the
27 probate court in the county or probate court district, or of the

1 district of the district court directly affected by the proposed
2 contract shall designate a person to serve as an ex officio
3 member of the state judicial council, without vote.

4 Sec. 9104. (1) The state judicial council, as the employer
5 of the state-paid employees of the judicial branch of state gov-
6 ernment serving in the circuit, ~~recorder's~~, district, or pro-
7 bate court, ~~shall have~~ HAS the following authority:

8 (a) Subject to section 9107, to establish personnel policies
9 and procedures, including, but not limited to, policies and pro-
10 cedures relating to compensation, working hours, fringe benefits,
11 holidays, leave, affirmative action, discipline, grievances, per-
12 sonnel records, probation, and hiring practices.

13 (b) Subject to section 9107, to make and enter into collec-
14 tive bargaining agreements with representatives of the state-paid
15 employees of the judicial branch of state government serving in
16 the circuit, ~~recorder's~~ district, or probate court pursuant to
17 Act No. 336 of the Public Acts of 1947, ~~as amended~~, being sec-
18 tions 423.201 to 423.216 of the Michigan Compiled Laws.

19 (c) To enter into memoranda of agreement with the employees
20 of the council to extend the terms and conditions of employment
21 contained in collective bargaining agreements which were in
22 effect either between the council and its employees or between
23 the employees and a predecessor employer.

24 (d) To enter into memoranda of agreement with employees of
25 the circuit court in the third judicial circuit, the FORMER
26 recorder's court of the city of Detroit, the traffic and
27 ordinance division of THE FORMER recorder's court, and the FORMER

1 common pleas court of the city of Detroit who will become
2 employees of the council on September 1, 1981, to extend terms
3 and conditions of employment contained in collective bargaining
4 agreements to which the employees were subject before September
5 1, 1981.

6 (e) To appoint an agent for collective bargaining pursuant
7 to subdivision (b).

8 (2) The state judicial council shall not enter into a bind-
9 ing collective bargaining agreement with the employees, or any
10 group of employees, of the council without the concurrence of at
11 least 7 members of the council.

12 (3) The council shall consider the rates of compensation and
13 other conditions of employment established for employees in the
14 state classified civil service and established for employees of
15 other courts in this state who are not employees of the state
16 judicial council when exercising its authority under subsection
17 (1).

18 (4) The state judicial council shall not agree with its
19 employees to submit to arbitration of a dispute regarding any
20 economic issue arising from the negotiation of a collective bar-
21 gaining agreement.

22 (5) The state judicial council shall not establish a person-
23 nel policy or agree with its employees to a term in a collective
24 bargaining agreement which requires an employee to reside within
25 a specified geographic area.

26 SEC. 9941A. (1) EFFECTIVE JANUARY 1, 1996, THE RECORDER'S
27 COURT OF THE CITY OF DETROIT IS ABOLISHED.

1 (2) ALL FILES, RECORDS, AND PENDING CASES OF THE RECORDER'S
2 COURT SHALL BE TRANSFERRED TO THE CIRCUIT COURT FOR THE THIRD
3 CIRCUIT IN ACCORDANCE WITH RULES PRESCRIBED BY THE SUPREME COURT,
4 AND THE CIRCUIT COURT SHALL EXERCISE ALL POWERS IN REGARD TO
5 THOSE FILES, RECORDS AND CASES AS PROVIDED BY RULES OF THE
6 SUPREME COURT. THE CIRCUIT COURT FOR THE THIRD CIRCUIT SHALL
7 HAVE JURISDICTION TO HEAR AND DETERMINE ALL CASES TRANSFERRED
8 UNDER THIS SECTION, AND SHALL EXERCISE ALL AUTHORITY WITH REGARD
9 TO THOSE CASES AS THOUGH THE CASES HAD BEEN COMMENCED IN THAT
10 COURT. ALL ORDERS AND JUDGMENTS OF THE RECORDER'S COURT SHALL BE
11 APPEALABLE IN LIKE MANNER AND TO THE SAME COURTS AS APPLICABLE
12 BEFORE THAT DATE.

13 (3) EFFECTIVE JANUARY 1, 1996, EACH ELECTED OR APPOINTED
14 INCUMBENT JUDGE OF THE RECORDER'S COURT OF THE CITY OF DETROIT
15 SHALL BECOME A JUDGE OF THE CIRCUIT COURT FOR THE THIRD CIRCUIT
16 AND SHALL SERVE AS A JUDGE OF THAT COURT UNTIL HIS OR HER TERM AS
17 A JUDGE OF THE RECORDER'S COURT WOULD NORMALLY HAVE EXPIRED. IN
18 SEEKING ELECTION TO THE CIRCUIT COURT FOR THE THIRD CIRCUIT AFTER
19 JANUARY 1, 1996, A JUDGE OF THE RECORDER'S COURT WHO BECAME A
20 JUDGE OF THE CIRCUIT COURT PURSUANT TO THIS SUBSECTION MAY FILE
21 AN AFFIDAVIT OF CANDIDACY IN LIKE MANNER AS OTHER INCUMBENT
22 JUDGES OF THE CIRCUIT COURT, AND SHALL BE ENTITLED TO DESIGNATION
23 ON THE BALLOT AS A JUDGE OF THE CIRCUIT COURT.

24 Section 2. The following acts and parts of act are
25 repealed:

26 (a) Sections 563, 564, 567, 1417, 8273, 8275, and 9102 of
27 Act No. 236 of the Public Acts of 1961.

1 (b) Act No. 326 of the Local Acts of 1883, being sections
2 726.1 to 726.49 of the Michigan Compiled Laws.

3 (c) Act No. 369 of the Public Acts of 1919, being sections
4 725.1 to 725.39 of the Michigan Compiled Laws.