

EMERGENCY INTERIM JUDICIAL SUCCESSION ACT

Act 227 of 1963

AN ACT to provide, in the event of an enemy attack on the United States, for the continuity of judicial functions of the state and the political subdivisions, by providing for automatic interim emergency succession for judges.

History: 1963, Act 227, Eff. Sept. 6, 1963

The People of the State of Michigan enact:

691.971 Emergency interim judicial succession act; short title.

Sec. 1.

This act shall be known and may be cited as the "emergency interim judicial succession act".

History: 1963, Act 227, Eff. Sept. 6, 1963

Compiler's Notes: The enrolled bill was presented to the Governor on May 8, 1963, and became a law without his approval upon the expiration of 10 days, Sundays excepted, after presentation.

691.972 Emergency interim judicial succession act; definitions.

Sec. 2.

As used in this act:

(a) "Unavailable" means that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office.

(b) "Emergency interim successor" means a person designated pursuant to this act who, in the event the judge is unavailable, is to exercise the powers and discharge the duties of office until a successor is appointed or elected and qualified as may be provided by law or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.

(c) "Attack" means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

(d) "Political subdivisions" includes counties, cities, towns, villages, townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

History: 1963, Act 227, Eff. Sept. 6, 1963

691.973 Judges; unavailability; special emergency judges, designations, duration of service.

Sec. 3.

(1) If any judge of any court is unavailable to exercise the powers and discharge the duties of his office, and if no other judge authorized to act in the event of absence, disability or vacancy or no special judge appointed in accordance with law is available to exercise the powers and discharge the duties of the office, the duties of the office shall be discharged and the powers exercised by the special emergency judges hereinafter provided for:

(a) The governor, upon approval of this act, shall designate not less than 3 special emergency judges for each member of each court of record and specify the order of their succession. These courts shall include the supreme court, circuit courts, probate courts, common pleas court of Detroit, recorder's court of Detroit, superior court of Grand Rapids and any state or other municipal court of record.

(b) Upon the approval of this act, the duly appointed or elected authority of a political subdivision which has the authority to appoint successors to justices of courts not of record, shall designate for each member of each such court not of record, special emergency justices of not less than 3 for each member of each court and specify their order of succession.

(2) Special emergency judges, in the order specified, shall exercise the powers and discharge the duties of such office in case of the unavailability of the regular judges or persons immediately preceding them in the designation. The designating authority shall review and revise, as necessary, designations made pursuant to this act to insure their current status.

(3) Special emergency judges shall discharge the duties and exercise the powers of such office until such time as a vacancy is filled in accordance with the constitution and statutes or until the regular judge or one preceding the designee in the order of succession becomes available to exercise the powers and discharge the duties of the office.

History: 1963, Act 227, Eff. Sept. 6, 1963

691.974 Special emergency judges; oath.

Sec. 4.

At the time of their designation special emergency judges shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office.

History: 1963, Act 227, Eff. Sept. 6, 1963

691.975 Special emergency judges; powers and duties; termination of authority by legislature.

Sec. 5.

Those authorized to act as special emergency judges may exercise the powers and discharge the duties of office only after an attack upon the United States has occurred. The legislature by concurrent resolution at any time may terminate the authority of the special emergency judges to exercise the powers and discharge the duties of office.

History: 1963, Act 227, Eff. Sept. 6, 1963

691.976 Special emergency judges; removal or replacement.

Sec. 6.

Until such time as the persons designated as special emergency judges are authorized to exercise the powers and discharge the duties of an office in accordance with this act, the persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by the designating authority at any time, with or without cause.

History: 1963, Act 227, Eff. Sept. 6, 1963

691.977 Questions of fact; adjudication.

Sec. 7.

Any dispute concerning a question of fact arising under this act shall be adjudicated by the governor, or other official authorized under the constitution and this act to exercise the powers and discharge the duties of the office of governor, and his decision shall be final.

History: 1963, Act 227, Eff. Sept. 6, 1963