



**House
Legislative
Analysis
Section**

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JUDICIAL ASSIGNMENTS: RETIREMENT PAY

Senate Bill 382 as passed by the Senate
First Analysis (10-22-87)

RECEIVED

Sponsor: Senator Rudy J. Nichols
Senate Committee: Judiciary
House Committee: Judiciary

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S.B. 382 (10-22-87)

THE APPARENT PROBLEM:

At least two bills before the legislature, House Bills 4551 and 4876, propose changes to the Revised Judicature Act that require a complementary change to the Judges' Retirement Act. That change is to delete a requirement that a judge's annuity be suspended while he or she is on assignment to judicial duties. (For more on House Bills 4551 and 4876, see Background Information and the analyses on those bills issued 5-6-87 and 10-22-87, respectively.)

THE CONTENT OF THE BILL:

The bill would amend the Judges' Retirement Act to delete a requirement that a judge's annuity be suspended while he or she is on assignment to judicial duties. The bill could not take effect unless House Bill 4551 were enacted.

MCL 38.818

BACKGROUND INFORMATION:

House Bill 4551

As passed by the House, House Bill 4551 would amend the Revised Judicature Act to delete provisions requiring a retired judge on temporary judicial assignment to waive retirement benefits. Under the bill, any assigned retired judge would receive whichever was the larger of (a) \$100 per day, or (b) the difference between the portion of the annual salary paid for the judicial office during the time the retired judge served on assignment and the retirement benefit paid to the retired judge during that time.

House Bill 4876

House Bill 4876 (Substitute H-2), currently before the House, would amend the Revised Judicature Act to provide for the assignment of retired judges to hear nonjury civil cases outside of court when the parties were willing to pay the expenses (the "rent-a-judge" program).

FISCAL IMPLICATIONS:

With regard to an identical bill, House Bill 4552, the House Fiscal Agency said that the bill would have minimal, if any, fiscal impact for state or local units of government. (5-5-87)

ARGUMENTS:

For:

The bill proposes a change to the Judges' Retirement Act necessary for House Bills 4551 and 4876 to be implemented.

Against:

Representatives from the Retirement Bureau suggested in committee that as a matter of consistent public policy and retirement philosophy, the bill should be of more limited application. It was urged that an exemption from waiving retirement pay be limited to 60 days per year.

POSITIONS:

The Michigan Judges Association supports the bill. (10-21-87)