

# HOUSE BILL No. 5974

September 11, 1990, Introduced by Rep. Griffin and referred to the Committee on Judiciary.

A bill to amend sections 555, 821, and 8202 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 438 of the Public Acts of 1980, being sections 600.555, 600.821, and 600.8202 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 555, 821, and 8202 of Act No. 236 of  
2 the Public Acts of 1961, as amended by Act No. 438 of the Public  
3 Acts of 1980, being sections 600.555, 600.821, and 600.8202 of  
4 the Michigan Compiled Laws, are amended to read as follows:

5 Sec. 555. (1) Each circuit judge shall receive an annual  
6 salary payable by the state in an amount provided by law. The  
7 county boards of commissioners in their discretion may vote to

1 pay the circuit judge or judges of their respective counties a  
2 salary in addition to the amount of the state salary.

3 ~~(2) Except as provided in subsections (3) and (4), the~~  
4 ~~state shall reimburse to a county paying an additional salary to~~  
5 ~~a circuit judge a portion of that additional salary in an amount~~  
6 ~~provided by law, unless the additional salary, including any~~  
7 ~~cost of living allowance, payable by that county causes the total~~  
8 ~~annual salary of a circuit judge to exceed 92% of the salary of a~~  
9 ~~justice of the supreme court.~~

10 ~~(3) Effective September 1, 1981, if the county of Wayne pays~~  
11 ~~each circuit judge of the third judicial circuit an additional~~  
12 ~~salary equal to at least the difference between 92% of the salary~~  
13 ~~of a justice of the supreme court and the annual salary payable~~  
14 ~~by the state to a circuit judge of the third judicial circuit,~~  
15 ~~the state shall reimburse the county of Wayne, for each circuit~~  
16 ~~judge of the third judicial circuit, an amount equal to that~~  
17 ~~difference. However, if the county pays more than an amount~~  
18 ~~equal to the difference between 92% of the salary of a justice of~~  
19 ~~the supreme court and the annual salary payable by the state to a~~  
20 ~~circuit judge of the third judicial circuit, the state shall not~~  
21 ~~reimburse the county for any additional salary, except as pro-~~  
22 ~~vided in subsection (4).~~

23 ~~(4) Notwithstanding the limitations of subsection (2) or~~  
24 ~~(3), the state shall reimburse a county pursuant to subsection~~  
25 ~~(2) or (3), even if the additional salary, including any~~  
26 ~~cost of living allowance, payable by that county on the effective~~  
27 ~~date of this subsection causes the total annual salary of a~~

~~1 circuit judge to exceed 92% of the salary of a justice of the  
2 supreme court payable on the effective date of this subsection.  
3 However, if the additional salary of a circuit judge increases  
4 beyond the amount payable to the judge on the effective date of  
5 this subsection, and if the total annual salary of the judge  
6 exceeds 92% of the salary of a justice of the supreme court, the  
7 county shall return to the state any amount paid under subsection  
8 (2) or (3) during that state fiscal year, and shall be ineligible  
9 to receive reimbursement under subsection (2) or (3) until the  
10 total annual salary of the circuit judge does not exceed 92% of  
11 the salary of the justice of the supreme court.~~

12       (2) ~~(5)~~ Each circuit judge who holds court in a county  
13 other than the county of his or her residence shall be reimbursed  
14 for his or her actual and necessary expenses incurred in holding  
15 court. Each circuit judge entitled to the reimbursement shall  
16 certify the expenses incurred to the court administrator for  
17 allowance. Upon allowance by the administrator, the state trea-  
18 surer shall issue a warrant on the state treasury for payment.

19       (3) ~~(6)~~ A circuit judge whose ~~case load~~ CASELOAD is less  
20 than other circuit judges may be authorized by the supreme court  
21 or state court administrator to assist other courts and perform  
22 other judicial duties, for limited periods or specific  
23 assignments. This subsection shall not be construed as a direc-  
24 tive to the supreme court or state court administrator.

25       Sec. 821. (1) The following probate judges shall not engage  
26 in the practice of law other than as a judge and shall receive  
27 the minimum annual salary provided in subsection (2):

1 (a) A probate judge of a county which is not part of a  
2 proposed probate court district described in section 807.

3 (b) The probate judge in each probate court district in  
4 which a majority of the electors voting on the question in each  
5 county of the probate court district has approved or approves  
6 creation of the district.

7 (c) A probate judge in a county having a population of  
8 25,000 or more, if the county is not part of a probate court dis-  
9 trict created pursuant to law.

10 (d) Beginning January 1, 1979, a probate judge in a county  
11 having a population of 23,000 or more but less than 25,000, if  
12 the county is not part of a probate court district created pursu-  
13 ant to law.

14 (e) Beginning January 1, 1981, a probate judge in a county  
15 having a population of 15,000 or more but less than 23,000, if  
16 the county is not part of a probate court district created pursu-  
17 ant to law.

18 (2) Beginning April 1, 1977, the minimum annual salary for a  
19 probate judge governed by subsection (1)(a), (b), or (c) shall be  
20 \$24,000.00. Beginning October 1, 1977, the minimum annual salary  
21 for a probate judge governed by subsection (1)(a), (b), or (c)  
22 and for a probate judge governed by subsection (1)(d) or (e) as  
23 prescribed in those subdivisions shall be equal to 90% of the  
24 annual salary payable by the state to a circuit judge. Beginning  
25 April 1, 1977, \$6,000.00 of the minimum annual salary provided in  
26 this subsection shall be paid by the county, or by the counties  
27 comprising a probate court district, and the balance of that

1 minimum annual salary shall be paid by the state as a grant to  
2 the county which in turn shall pay that amount to the probate  
3 judge.

4 (3) The salary provided in subsection (2) shall be full com-  
5 pensation for all services performed by a probate judge, except  
6 as otherwise provided by law. In a probate court district, each  
7 county of the district shall contribute to the salary in the same  
8 proportion as the population of the county bears to the popula-  
9 tion of the district.

10 (4) In addition to the salary provided in subsection (2), a  
11 probate judge may receive from any county in which the probate  
12 judge regularly holds court an additional salary determined by  
13 the county board of commissioners. The additional salary may be  
14 increased during a term of office but shall not be decreased  
15 except to the extent of a general salary reduction in all other  
16 branches of government in the county. In a county where an addi-  
17 tional salary is granted, it shall be paid at the same rate to  
18 all probate judges regularly holding court in the county. ~~The~~  
19 ~~total additional salary granted to a probate judge by 1 or more~~  
20 ~~counties pursuant to this subsection shall not cause the probate~~  
21 ~~judge's total annual salary from state and county funds to exceed~~  
22 ~~88% of the annual salary of a justice of the supreme court.~~  
23 ~~However, an increase in the amount of salary payable to a judge~~  
24 ~~of the probate court caused by an increase in the salary of a~~  
25 ~~justice of the supreme court resulting from the operation of Act~~  
26 ~~No. 357 of the Public Acts of 1968, as amended, being sections~~  
27 ~~15.211 to 15.218 of the Michigan Compiled Laws, after the~~

~~1 effective date of subsection (5), shall not be effective until  
2 February 1 of the year in which the increase in the salary of a  
3 justice of the supreme court becomes effective. If an increase  
4 in salary becomes effective on February 1 of a year in which an  
5 increase in the salary of a justice of the supreme court becomes  
6 effective, the increase shall be retroactive to January 1 of that  
7 year.~~

~~8 (5) Except as provided in subsection (6), the state shall  
9 reimburse to a county paying an additional salary to a probate  
10 judge a portion of that additional salary in an amount provided  
11 by law, unless the additional salary, including any  
12 cost of living allowance, payable by that county causes the total  
13 annual salary of a probate judge to exceed 88% of the salary of a  
14 justice of the supreme court.~~

~~15 (6) Notwithstanding the limitations of subsection (5), the  
16 state shall reimburse a county pursuant to subsection (5), even  
17 if the additional salary, including any cost of living allowance,  
18 payable by that county on the effective date of this subsection  
19 causes the total annual salary of a probate judge to exceed 88%  
20 of the salary of a justice of the supreme court payable on the  
21 effective date of this subsection. However, if the additional  
22 salary of a probate judge increases beyond the amount payable to  
23 the judge on the effective date of this subsection, and if the  
24 total annual salary of the judge exceeds 88% of the salary of a  
25 justice of the supreme court, the county shall return to the  
26 state any amount paid under subsection (5) during that state  
27 fiscal year, and shall be ineligible to receive reimbursement~~

~~1 under subsection (5) until the total annual salary of the probate  
2 judge does not exceed 88% of the salary of the justice of the  
3 supreme court.~~

4       Sec. 8202. (1) A district judge shall receive an annual  
5 salary payable by the state equal to 90% of the annual salary  
6 payable by the state to a circuit judge.

7       ~~(2) In addition to the salary received from the state, a  
8 district judge may receive from a district control unit in which  
9 the judge regularly holds court an additional salary as deter-  
10 mined by the governing legislative body of the district control  
11 unit. Supplemental salaries paid by a district control unit  
12 shall be uniform as to all judges who regularly hold court in the  
13 district control unit. In the thirty sixth district each dis-  
14 trict judge shall receive an additional salary which, when added  
15 to the annual salary paid by the state under subsection (1),  
16 equals 88% of the annual salary of a justice of the supreme  
17 court. The total annual additional salary paid to a district  
18 court judge by the district control units in which the judge reg-  
19 ularly holds court shall not cause the district judge's total  
20 annual salary received from state and district control unit funds  
21 to exceed 88% of the annual salary of a justice of the supreme  
22 court. However, an increase in the amount of salary payable to a  
23 judge of the district court caused by an increase in the salary  
24 of a justice of the supreme court resulting from the operation of  
25 Act No. 357 of the Public Acts of 1968, as amended, being sec-  
26 tions 15.211 to 15.218 of the Michigan Compiled Laws, after the  
27 effective date of subsection (8), shall not be effective until~~

1 ~~February 1 of the year in which the increase in the salary of a~~  
2 ~~justice of the supreme court becomes effective. If an increase~~  
3 ~~in salary becomes effective on February 1 of a year in which an~~  
4 ~~increase in the salary of a justice of the supreme court becomes~~  
5 ~~effective, the increase shall be retroactive to January 1 of that~~  
6 ~~year.~~

7       (2) ~~(3)~~ A district judge who holds court in a county other  
8 than the county of the judge's residence shall be reimbursed for  
9 his or her actual and necessary expenses incurred in holding  
10 court upon certification and approval by the court  
11 administrator. Upon certification of the judge's expenses, the  
12 sum shall be paid out of the state treasury in accordance with  
13 the accounting laws of this state.

14       (3) ~~(4)~~ Salaries of a district court judge may be  
15 increased but shall not be decreased during a term of office  
16 except and only to the extent of a general salary reduction in  
17 all other branches of government.

18       (4) ~~(5)~~ Except as provided in subsection ~~(6)~~ (5), the  
19 supreme court, by rule, may establish civil and criminal trial  
20 divisions within the district court, which rules shall provide  
21 for the rotation of judges among the trial divisions.

22       (5) ~~(6)~~ The judges of the district court for the  
23 thirty-sixth district shall establish functional divisions of the  
24 court which are necessary for the effective administration of  
25 justice within the district. As ordered by the chief judge of  
26 the district, judges of that district shall be rotated among the

1 functional divisions of the court established pursuant to this  
2 subsection.

3       (6) ~~(7)~~ A judge of the district court is eligible to be a  
4 member of the judges' retirement system created by THE JUDGES'  
5 RETIREMENT ACT, Act No. 198 of the Public Acts of 1951, as  
6 amended, being sections 38.801 to ~~38.830~~ 38.831 of the Michigan  
7 Compiled Laws.

8       (7) ~~(8)~~ The district court in a district may hold evening  
9 and Saturday sessions.

10       ~~(9) Except as provided in subsection (10), the state shall~~  
11 ~~reimburse to a district control unit paying an additional salary~~  
12 ~~to a district judge a portion of that additional salary in an~~  
13 ~~amount provided by law, unless the additional salary, including~~  
14 ~~any cost of living allowance, payable by that district control~~  
15 ~~unit causes the total annual salary of a district judge to exceed~~  
16 ~~the applicable percentage of the salary of a justice of the~~  
17 ~~supreme court.~~

18       ~~(10) Notwithstanding the limitations of subsection (9), the~~  
19 ~~state shall reimburse a district control unit pursuant to subsec-~~  
20 ~~tion (9), even if the additional salary, including any~~  
21 ~~cost of living allowance, payable by that district control unit~~  
22 ~~on the effective date of subsection (9) causes the total annual~~  
23 ~~salary of a district judge to exceed the applicable percentage of~~  
24 ~~the salary of a justice of the supreme court payable on the~~  
25 ~~effective date of subsection (9). However, if the additional~~  
26 ~~salary of a district judge increases beyond the amount payable to~~  
27 ~~the judge on the effective date of subsection (9), and if the~~

~~1 total annual salary of the judge exceeds the applicable  
2 percentage of the salary of a justice of the supreme court, the  
3 district control unit shall return to the state any amount paid  
4 under subsection (9) during that state fiscal year, and shall be  
5 ineligible to receive reimbursement under subsection (9) until  
6 the total annual salary of the district judge does not exceed the  
7 applicable percentage of the salary of the justice of the supreme  
8 court.~~