STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016

Introduced by Senators Jones, Bieda and Nofs

ENROLLED SENATE BILL No. 56

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 304, 555, 821, and 8202 (MCL 600.304, 600.555, 600.821, and 600.8202), sections 304 and 555 as amended by 1996 PA 374, section 821 as amended by 2004 PA 492, and section 8202 as amended by 1996 PA 388.

The People of the State of Michigan enact:

Sec. 304. (1) Each judge of the court of appeals shall receive an annual salary calculated as follows:

(a) 92% of the annual salary of a justice of the supreme court as of December 31, 2015.

(b) In addition to the amount calculated under subdivision (a), an amount equal to the amount calculated under subdivision (a) multiplied by the compounded aggregate percentage pay increases, excluding lump-sum payments, paid to civil service nonexclusively represented employees classified as executives and administrators on or after January 1, 2016. The additional salary under this subdivision takes effect on the same date as the effective date of the pay increase paid to civil service nonexclusively represented employees classified as executives and administrators. The additional salary calculated under this subdivision shall not be based on a pay increase paid to civil service nonexclusively represented employees classified as executives and administrators if the effective date of the increase was before January 1, 2016.

(2) The judges shall be reimbursed for their actual and necessary expenses from the state treasury upon the warrant of the state treasurer.

(3) A judge of the court of appeals is eligible to participate in the state contributory insurance programs on the same basis as a justice of the supreme court.

Sec. 555. (1) Each circuit judge shall receive an annual salary payable by the state as calculated under this section and may receive from any county in which he or she regularly holds court an additional salary as determined from time to time by the county board of commissioners. In any county where an additional salary is granted, it shall be paid at the same rate to all circuit judges regularly holding court in that county.

(2) Each circuit judge shall receive an annual salary calculated as follows:

(a) An annual salary payable by the state that is the difference between 85% of the salary of a justice of the supreme court as of December 31, 2015 and $45,724.00.

(b) In addition to the amount calculated under subdivision (a), a salary payable by the county or counties of the judicial circuit. The state shall reimburse to a county or counties paying an additional salary to a circuit judge $45,724.00, if the total additional salary, including any cost-of-living allowance, payable by that county or counties to a circuit judge is neither less than nor more than $45,724.00. If the county or counties pay a circuit judge less than or more than $45,724.00, the county or counties are not entitled to reimbursement from the state under this subsection.

(c) In addition to the amounts under subdivisions (a) and (b), an amount payable by the state that is equal to the amounts calculated under subdivisions (a) and (b) multiplied by the compounded aggregate percentage pay increases, excluding lump-sum payments, paid to civil service nonexclusively represented employees classified as executives and administrators on or after January 1, 2016. The additional salary under this subdivision takes effect on the same date as the effective date of the pay increase paid to civil service nonexclusively represented employees classified as executives and administrators. The additional salary under this subdivision shall not be based on a pay increase paid to civil service nonexclusively represented employees classified as executives and administrators if the effective date of the increase was before January 1, 2016.

(3) Each circuit judge who holds court in a county other than the county of his or her residence shall be reimbursed for his or her actual and necessary expenses incurred in holding court. Each circuit judge entitled to the reimbursement shall certify the expenses incurred to the court administrator for allowance. Upon allowance by the administrator, the state treasurer shall issue a warrant on the state treasury for payment.

(4) A circuit judge whose case load is less than other circuit judges may be authorized by the supreme court or state court administrator to assist other courts and perform other judicial duties for limited periods or specific assignments. This subsection shall not be construed as a directive to the supreme court or state court administrator.

Sec. 821. (1) The following probate judges shall not engage in the practice of law other than as a judge and shall receive an annual salary as calculated under this section:

(a) A probate judge of a county that is not described in section 807.

(b) The probate judge in each probate court district described in section 807 in which a majority of the electors voting on the question in each county of the probate court district has approved or approves creation of the district.

(c) A probate judge in a county having a population of 15,000 or more according to the 1990 federal decennial census, if the county is not part of a probate court district created by law.

(d) A probate judge who has the jurisdiction, powers, duties, and title of a district judge within his or her respective county under section 810a.

(2) Each probate judge shall receive an annual salary calculated as follows:

(a) A minimum annual salary of the difference between 85% of the salary of a justice of the supreme court as of December 31, 2015 and $45,724.00.

(b) In addition to the amount calculated under subdivision (a), a salary of $45,724.00 paid by the county or counties comprising a probate court district. If a probate judge receives a total additional salary of $45,724.00 from the county or counties comprising a probate court district, and receives neither less than nor more than $45,724.00, including any cost-of-living allowance, the state shall reimburse the county or counties the amount that the county or counties have paid to the judge.

(c) In addition to the amounts under subdivisions (a) and (b), an amount payable by the state that is equal to the amounts calculated under subdivisions (a) and (b) multiplied by the compounded aggregate percentage pay increases, excluding lump-sum payments, paid to civil service nonexclusively represented employees classified as executives and administrators on or after January 1, 2016. The additional salary under this subdivision takes effect on the same date as the effective date of the pay increase paid to civil service nonexclusively represented employees classified as executives and administrators. The additional salary under this subdivision shall not be based on a pay increase paid to civil service nonexclusively represented employees classified as executives and administrators if the effective date of the increase was before January 1, 2016.

(3) Six thousand dollars of the minimum annual salary provided in subsection (2) shall be paid by the county or counties comprising a probate court district, and the balance of that minimum annual salary shall be paid by the state as a grant to the county or the counties comprising the probate court district. The county or counties comprising the probate court district, shall in turn pay that amount to the probate judge. The state shall annually reimburse the county or counties $6,000.00 for each probate judge to offset the cost to the county or counties under this section.

(4) The salary calculated under this section is full compensation for all services performed by a probate judge, except as otherwise provided by law. In a probate court district, each county of the district shall contribute to the salary in the same proportion as the population of the county bears to the population of the district.

(5) An additional salary determined by the county board of commissioners may be increased during a term of office but shall not be decreased, except to the extent of a general salary reduction in all other branches of government in the county. In a county where an additional salary is granted, it shall be paid at the same rate to all probate judges regularly holding court in the county.

Sec. 8202. (1) A district judge shall receive an annual salary payable by this state as calculated under this section.

(2) In addition to the salary received from this state under subsection (1), a district judge may receive from a district funding unit in which the judge regularly holds court an additional salary as determined by the governing legislative body of the district funding unit as provided in this section. Supplemental salaries paid by a district funding unit shall be uniform as to all judges who regularly hold court in the district funding unit. However, the total annual additional salary paid to a district court judge by the district funding units in which the judge regularly holds court shall not cause the district judge's total annual salary received from state and district funding unit funds to exceed the maximum total salary allowed under this section.

(3) Each district judge shall receive an annual salary calculated as follows:

(a) A minimum annual salary payable by the state that is equal to the difference between 84% of the salary of a justice of the supreme court as of December 31, 2015 and $45,724.00.

(b) In addition to the amount calculated under subdivision (a), a salary of $45,724.00 from the district funding unit or units as provided in subsection (2). If a district judge receives a total additional salary of $45,724.00 from the district funding unit or units and receives neither less than nor more than $45,724.00, including any cost-of-living allowance, the state shall reimburse the district funding unit or units the amount that the unit or units have paid to the judge.

(c) In addition to the amounts under subdivisions (a) and (b), an amount payable by the state that is equal to the amounts calculated under subdivisions (a) and (b) multiplied by the compounded aggregate percentage pay increases, excluding lump-sum payments, paid to civil service nonexclusively represented employees classified as executives and administrators on or after January 1, 2016. The additional salary under this subdivision takes effect on the same date as the effective date of the pay increase paid to civil service nonexclusively represented employees classified as executives and administrators. The additional salary under this subdivision shall not be based on a pay increase paid to civil service nonexclusively represented employees classified as executives and administrators if the effective date of the increase was before January 1, 2016.

(4) A district judge who holds court in a county other than the county of the judge's residence shall be reimbursed for his or her actual and necessary expenses incurred in holding court upon certification and approval by the state court administrator. Upon certification of the judge's expenses, the sum shall be paid out of the state treasury under the accounting laws of this state.

(5) Salaries of a district court judge may be increased but shall not be decreased during a term of office, except to the extent of a general salary reduction in all other branches of government.
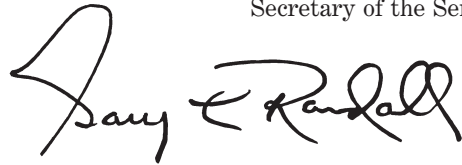
(6) A judge of the district court is eligible to be a member of the Michigan judges retirement system created under the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670.

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

This act is ordered to take immediate effect.

Secretary of the Senate

Clerk of the House of Representatives

Approved --

Governor