

HOUSE BILL NO. 5748

April 30, 2020, Introduced by Rep. Lightner and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 555, 821, 822, and 8202 (MCL 600.555, 600.821,
600.822, and 600.8202), sections 555 and 8202 as amended by 2016 PA
31, section 821 as amended by 2018 PA 6, and section 822 as amended
by 2003 PA 40.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 555. (1) Each circuit judge shall receive an annual
- 2 salary payable by ~~the~~**this** state as calculated under this section
- 3 and may receive from any county in which he or she regularly holds



1 court an additional salary as determined from time to time by the
 2 county board of commissioners. In any county where an additional
 3 salary is granted, it ~~shall~~**must** be paid at the same rate to all
 4 circuit judges regularly holding court in that county.

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

7 (a) ~~An~~**Until September 30, 2020, an** annual salary payable by
 8 ~~the~~**this** state that is the difference between 85% of the salary of
 9 a justice of the supreme court as of December 31, 2015 and
 10 \$45,724.00. **Beginning on October 1, 2020, an annual salary payable**
 11 **by this state that is 85% of the salary of a justice of the supreme**
 12 **court as of December 31, 2015 but each circuit judge may receive an**
 13 **additional salary as determined and payable by the county board of**
 14 **commissioners under section 18 of article VI of the state**
 15 **constitution of 1963 and subsection (1).**

16 (b) ~~In~~**Until September 30, 2020, in** addition to the amount
 17 calculated under subdivision (a), a salary payable by the county or
 18 counties of the judicial circuit. ~~The~~**This** state shall reimburse to
 19 a county or counties paying an additional salary to a circuit judge
 20 \$45,724.00, if the total additional salary, including any cost-of-
 21 living allowance, payable by that county or counties to a circuit
 22 judge is neither less than nor more than \$45,724.00. If the county
 23 or counties pay a circuit judge less than or more than \$45,724.00,
 24 the county or counties are not entitled to reimbursement from ~~the~~
 25 **this** state under this subsection.

26 (c) In addition to the amounts under subdivisions (a) and (b),
 27 an amount payable by ~~the~~**this** state that is equal to the amounts
 28 calculated under subdivisions (a) and (b) multiplied by the
 29 compounded aggregate percentage pay increases, excluding lump-sum



1 payments, paid to civil service nonexclusively represented
2 employees classified as executives and administrators on or after
3 January 1, 2016. The additional salary under this subdivision takes
4 effect on the same date as the effective date of the pay increase
5 paid to civil service nonexclusively represented employees
6 classified as executives and administrators. The additional salary
7 under this subdivision ~~shall~~**must** not be based on a pay increase
8 paid to civil service nonexclusively represented employees
9 classified as executives and administrators if the effective date
10 of the increase was before January 1, 2016.

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

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

24 Sec. 821. (1) Except for the probate judge in Keweenaw County
25 who is not a judge of the first probate district described in
26 section 807, probate judges shall not engage in the practice of law
27 other than as a judge and must receive an annual salary as
28 calculated under this section.

29 (2) Each probate judge shall receive an annual salary



1 calculated as follows:

2 (a) ~~A minimum~~ **Until September 30, 2020, an** annual salary
3 **payable by this state** of the difference between 85% of the salary
4 of a justice of the supreme court as of December 31, 2015 and
5 \$45,724.00. **Beginning October 1, 2020, an annual salary payable by**
6 **this state of 85% of the salary of a justice of the supreme court**
7 **as of December 31, 2015 but each probate judge may receive an**
8 **additional salary as determined and payable by the county board of**
9 **commissioners under subsection (5).**

10 (b) ~~In~~ **Until September 30, 2020, in** addition to the amount
11 calculated under subdivision (a), a salary of \$45,724.00 paid by
12 the county or counties comprising a probate court district. If a
13 probate judge receives a total additional salary of \$45,724.00 from
14 the county or counties comprising a probate court district, and
15 receives neither less than nor more than \$45,724.00, including any
16 cost-of-living allowance, ~~the~~ **this** state shall reimburse the county
17 or counties the amount that the county or counties have paid to the
18 judge.

19 (c) In addition to the amounts under subdivisions (a) and (b),
20 an amount payable by ~~the~~ **this** state that is equal to the amounts
21 calculated under subdivisions (a) and (b) multiplied by the
22 compounded aggregate percentage pay increases, excluding lump-sum
23 payments, paid to civil service nonexclusively represented
24 employees classified as executives and administrators on or after
25 January 1, 2016. The additional salary under this subdivision takes
26 effect on the same date as the effective date of the pay increase
27 paid to civil service nonexclusively represented employees
28 classified as executives and administrators. The additional salary
29 under this subdivision must not be based on a pay increase paid to



1 civil service nonexclusively represented employees classified as
 2 executives and administrators if the effective date of the increase
 3 was before January 1, 2016.

4 (3) ~~Six thousand dollars~~ **Until September 30, 2020, \$6,000.00**
 5 of the minimum annual salary provided in subsection (2) must be
 6 paid by the county or counties comprising a probate court district,
 7 and the balance of that minimum annual salary must be paid by ~~the~~
 8 **this** state as a grant to the county or the counties comprising the
 9 probate court district. The county or counties comprising the
 10 probate court district, shall in turn pay that amount to the
 11 probate judge. ~~The~~ **This** state shall annually reimburse the county
 12 or counties \$6,000.00 for each probate judge to offset the cost to
 13 the county or counties under this section.

14 (4) The salary calculated under this section is full
 15 compensation for all services performed by a probate judge, except
 16 as otherwise provided by law. ~~In~~ **Until September 30, 2020, in** a
 17 probate court district, each county of the district shall
 18 contribute to the salary in the same proportion as the population
 19 of the county bears to the population of the district.

20 (5) An additional salary determined by the county board of
 21 commissioners may ~~be increased~~ **increase** during a term of office but
 22 must not ~~be decreased,~~ **decrease**, except to the extent of a general
 23 salary reduction in all other branches of government in the county.
 24 In a county where an additional salary is granted, it must be paid
 25 at the same rate to all probate judges regularly holding court in
 26 the county.

27 Sec. 822. (1) ~~Except~~ **Until September 30, 2020, except** as
 28 provided in subsection (6), a probate judge not included in section
 29 821 shall receive a minimum annual salary of \$20,000.00. Six



1 thousand dollars of the minimum annual salary provided by this
 2 subsection ~~shall~~**must** be paid by the county and the balance of the
 3 minimum annual salary ~~shall~~**must** be paid by ~~the~~**this** state as a
 4 grant to the county. The county shall, in turn, pay that amount to
 5 the probate judge. **Beginning October 1, 2020, a probate judge not**
 6 **included in section 821 shall receive a minimum annual salary**
 7 **payable by this state of the amount he or she earned in the 2019-**
 8 **2020 fiscal year but may receive an additional salary as determined**
 9 **and payable by the county board of commissioners under subsection**
 10 **(3).**

11 (2) The minimum annual salary provided in subsection (1) may
 12 ~~be increased~~**increase** but shall ~~must~~ not ~~be decreased~~**decrease**
 13 during the term for which the probate judge has been elected or
 14 appointed. This salary is in full compensation for all services
 15 performed by the person as probate judge, except as otherwise
 16 provided by law. A probate judge whose minimum annual salary is
 17 provided in subsection (1) shall not represent a party in a
 18 contested proceeding in the probate court of this state.

19 (3) In addition to the salary provided in subsection (1), a
 20 probate judge may receive from the county in which he or she
 21 regularly holds court ~~an~~**the following** additional salary ~~of~~**as**
 22 **applicable:**

23 (a) **Until September 30, 2020,** not more than \$45,724.00, as
 24 determined by the county board of commissioners. The additional
 25 salary may ~~be increased~~**increase** during a term of office but shall
 26 **must** not ~~be decreased~~**decrease** except to the extent of a general
 27 salary reduction in all other branches of government in the county.

28 (b) **Beginning October 1, 2020, an additional salary as**
 29 **determined and payable by the county board of commissioners. In a**



1 county where an additional salary is granted, it must be paid at
2 the same rate to all probate judges regularly holding court in the
3 county. The additional salary may increase during a term of office
4 but must not decrease except to the extent of a general salary
5 reduction in all other branches of government in the county.

6 (4) ~~Except~~ **Until September 30, 2020, except** as provided in
7 subsection (8), the total annual salary of a probate judge,
8 including the salary provided in subsection (1) and any additional
9 salary granted by the county under subsection (3), ~~shall~~ **must** not
10 exceed \$65,724.00.

11 (5) ~~From~~ **Until September 30, 2020, from** funds appropriated to
12 the judiciary, ~~the~~ **this** state shall pay to a county described in
13 subsection (1) a state salary standardization payment of \$5,750.00
14 for each probate judge and an additional payment of \$6,000.00 for
15 each probate judge to offset the portion of minimum annual salary
16 paid by the county.

17 (6) ~~A~~ **Until September 30, 2020, a** probate judge described in
18 subsection (1) may receive an additional minimum annual salary, in
19 addition to the \$20,000.00 minimum annual salary described in
20 subsection (1), if all of the following apply:

21 (a) The county board of commissioners approves payment to the
22 probate judge of an additional salary from the county in the amount
23 of \$45,724.00 as provided in subsection (3).

24 (b) The county board of commissioners passes a resolution that
25 includes all of the following:

26 (i) A determination of an amount that the county is willing to
27 reimburse ~~the~~ **this** state as an additional minimum annual salary for
28 the probate judge.

29 (ii) An agreement to immediately reimburse ~~the~~ **this** state for



1 the additional minimum annual salary authorized under this
2 subsection.

3 (iii) An agreement that the determination under subparagraph (i)
4 will not ~~be decreased~~ **decrease** during the term of office of the
5 probate judge.

6 (iv) An agreement that the amount of reimbursement for the
7 additional minimum annual salary will not ~~be decreased~~ **decrease**
8 during the term of office of the probate judge.

9 (c) The probate judge agrees in writing to the following:

10 (i) To participate in a plan of concurrent jurisdiction as
11 provided in chapter 4.

12 (ii) To participate in a family court plan as provided in
13 chapter 10.

14 (iii) To not engage in the practice of law other than as a
15 judge.

16 (iv) That if he or she becomes included in section 821, any
17 additional minimum annual salary authorized under this subsection
18 would thereafter be considered part of the minimum annual salary
19 described in section 821.

20 (d) The supreme court or the state court administrative office
21 approves the payment of the additional minimum annual salary
22 authorized under this subsection.

23 (7) ~~The~~ **Until September 30, 2020, the** additional minimum
24 annual salary authorized under subsection (6) ~~shall be~~ **is** paid by
25 ~~the~~ **this** state as a grant to the county, and the county shall in
26 turn pay that amount to the probate judge in the same manner as
27 provided in section 821(3). The county may increase the
28 determination authorized under subsection (6) (b) (i) and its
29 obligation to reimburse ~~the~~ **this** state during the term of office of



1 the probate judge.

2 (8) ~~The~~ **Until September 30, 2020, the** total annual salary paid
 3 to a probate judge who receives an additional minimum annual salary
 4 under subsection (6), including the minimum annual salary provided
 5 in subsection (1), the additional county salary provided in
 6 subsection (3), and the additional minimum annual salary provided
 7 in subsection (6), ~~shall~~ **must** not exceed 85% of the salary of a
 8 justice of the supreme court. **Beginning October 1, 2020, the total**
 9 **annual salary paid to a probate judge who receives the minimum**
 10 **annual salary provided in subsection (1) and the additional county**
 11 **salary provided in subsection (3) must not exceed 85% of the salary**
 12 **of a justice of the supreme court.**

13 (9) ~~If~~ **Until September 30, 2020, if** a probate judge described
 14 in subsection (1) becomes included in section 821, any additional
 15 minimum annual salary authorized under subsection (6) ~~shall~~ **must**
 16 thereafter be considered part of the minimum annual salary
 17 described in section 821(2)(a), and the county's obligation to
 18 reimburse ~~the~~ **this** state under subsection (6) ~~shall~~ **must** cease.

19 (10) ~~A~~ **Until September 30, 2020, a** probate judge who receives
 20 an additional minimum annual salary under subsection (6) shall not
 21 engage in the practice of law other than as a judge.

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

24 (2) In addition to the salary received from this state under
 25 subsection ~~(1),~~ **(3)**, a district judge may receive from a district
 26 funding unit in which the judge regularly holds court an additional
 27 salary as determined by the governing legislative body of the
 28 district funding unit as provided in this section. Supplemental
 29 salaries paid by a district funding unit ~~shall~~ **must** be uniform as



1 to all judges who regularly hold court in the district funding
 2 unit. However, the total annual additional salary paid to a
 3 district court judge by the district funding units in which the
 4 judge regularly holds court ~~shall~~**must** not cause the district
 5 judge's total annual salary received from state and district
 6 funding unit funds to exceed the maximum total salary allowed under
 7 this section.

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

10 (a) ~~A-Until September 30, 2020, a~~ minimum annual salary
 11 payable by ~~the~~**this** state that is equal to the difference between
 12 84% of the salary of a justice of the supreme court as of December
 13 31, 2015 and \$45,724.00. **Beginning October 1, 2020, an annual**
 14 **salary payable by this state that is equal to 84% of the salary of**
 15 **a justice of the supreme court as of December 31, 2015 but may**
 16 **receive an additional salary as determined and payable by the**
 17 **county board of commissioners under subsection (2).**

18 (b) ~~In-Until September 30, 2020, in~~ addition to the amount
 19 calculated under subdivision (a), a salary of \$45,724.00 from the
 20 district funding unit or units as provided in subsection (2). If a
 21 district judge receives a total additional salary of \$45,724.00
 22 from the district funding unit or units and receives neither less
 23 than nor more than \$45,724.00, including any cost-of-living
 24 allowance, ~~the~~**this** state shall reimburse the district funding unit
 25 or units the amount that the unit or units have paid to the judge.

26 (c) In addition to the amounts under subdivisions (a) and (b),
 27 an amount payable by ~~the~~**this** state that is equal to the amounts
 28 calculated under subdivisions (a) and (b) multiplied by the
 29 compounded aggregate percentage pay increases, excluding lump-sum



1 payments, paid to civil service nonexclusively represented
2 employees classified as executives and administrators on or after
3 January 1, 2016. The additional salary under this subdivision takes
4 effect on the same date as the effective date of the pay increase
5 paid to civil service nonexclusively represented employees
6 classified as executives and administrators. The additional salary
7 under this subdivision ~~shall~~**must** not be based on a pay increase
8 paid to civil service nonexclusively represented employees
9 classified as executives and administrators if the effective date
10 of the increase was before January 1, 2016.

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

17 (5) Salaries of a district court judge may ~~be increased~~
18 **increase** but ~~shall~~**must** not ~~be decreased~~**decrease** during a term of
19 office, except to the extent of a general salary reduction in all
20 other branches of government.

21 (6) A judge of the district court is eligible to be a member
22 of the Michigan judges retirement system created under the judges
23 retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670.

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

