SUBSTITUTE FOR

HOUSE BILL NO. 5749

A bill to amend 1961 PA 236, entitled

"Revised judicature act of 1961,"

by amending section 8202 (MCL 600.8202), as amended by 2016 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8202. (1) A district judge ~~shall~~ **must** receive an annual

2 salary payable by this state as calculated under this section.

3 (2) In addition to the salary received from this state under

4 subsection (1), a district judge may receive from a district

5 funding unit in which the judge regularly holds court an additional

6 salary as determined by the governing legislative body of the

7 district funding unit as provided in this section. Supplemental

8 salaries paid by a district funding unit ~~shall~~ **must** be uniform as

9 to all judges who regularly hold court in the district funding

1 unit. However, the total annual additional salary paid to a

2 district court judge by the district funding units in which the

3 judge regularly holds court ~~shall~~ **must** not cause the district

4 judge's total annual salary received from state and district

5 funding unit funds to exceed the maximum total salary allowed under

6 this section.

7   (3) ~~Each~~ **Until September 30, 2022, a** district judge ~~shall~~ **must**

8 receive an annual salary calculated as follows:

9   (a) A minimum annual salary payable by the state that is equal

10 to the difference between 84% of the salary of a justice of the

11 supreme court as of December 31, 2015 and $45,724.00.

12   (b) In addition to the amount calculated under subdivision

13 (a), a salary of $45,724.00 from the district funding unit or units

14 as provided in subsection (2). If a district judge receives a total

15 additional salary of $45,724.00 from the district funding unit or

16 units and receives neither less than nor more than $45,724.00,

17 including any cost-of-living allowance, the state shall reimburse

18 the district funding unit or units the amount that the unit or

19 units have paid to the judge.

20   (c) In addition to the amounts under subdivisions (a) and (b),

21 an amount payable by the state that is equal to the amounts

22 calculated under subdivisions (a) and (b) multiplied by the

23 compounded aggregate percentage pay increases, excluding lump-sum

24 payments, paid to civil service nonexclusively represented

25 employees classified as executives and administrators on or after

26 January 1, 2016. The additional salary under this subdivision takes

27 effect on the same date as the effective date of the pay increase

28 paid to civil service nonexclusively represented employees

29 classified as executives and administrators. The additional salary

1 under this subdivision ~~shall~~ **must** not be based on a pay increase

2 paid to civil service nonexclusively represented employees

3 classified as executives and administrators if the effective date

4 of the increase was before January 1, 2016.

5   **(4) Beginning October 1, 2022, a district judge must receive**

6 **an annual salary that is equal to the annual salary of a probate**

7 **judge calculated under section 821(2).**

8   **(5)** ~~(4)~~ A district judge who holds court in a county other

9 than the county of the judge's residence ~~shall~~ **must** be reimbursed

10 for his or her actual and necessary expenses incurred in holding

11 court upon certification and approval by the state court

12 administrator. Upon certification of the judge's expenses, the sum

13 ~~shall~~ **must** be paid out of the state treasury under the accounting

14 laws of this state.

15   **(6)** ~~(5)~~ Salaries of a district court judge may be increased

16 but ~~shall~~ **must** not be decreased during a term of office, except to

17 the extent of a general salary reduction in all other branches of

18 government.

19   **(7)** ~~(6)~~ A judge of the district court is eligible to be a

20 member of the Michigan judges retirement system created under the

21 judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670.

22   **(8)** ~~(7)~~ The district court in a district may hold evening and

23 Saturday sessions.