

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.821 Probate judges; practice of law; annual salary; county contribution and reimbursement; additional salary.

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

(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 must 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) must be paid by the county or counties comprising a probate court district, and the balance of that minimum annual salary must 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 must 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 must be paid at the same rate to all probate judges regularly holding court in the county.

History: Add, 1978, Act 543, Eff. July 1, 1979;—Am. 1980, Act 438, Eff. Sept. 1, 1981;—Am. 1990, Act 343, Eff. Jan. 1, 1995;—Am. 1994, Act 138, Imd. Eff. May 26, 1994;—Am. 1994, Act 389, Imd. Eff. Dec. 29, 1994;—Am. 1995, Act 259, Imd. Eff. Jan. 5, 1996;—Am. 1996, Act 374, Eff. Jan. 1, 1997;—Am. 1996, Act 388, Eff. Jan. 1, 1998;—Am. 1998, Act 298, Imd. Eff. July 28, 1998;—Am. 2002, Act 92, Eff. Mar. 31, 2003;—Am. 2003, Act 40, Imd. Eff. July 9, 2003;—Am. 2004, Act 492, Eff. Mar. 30, 2005;—Am. 2016, Act 31, Imd. Eff. Mar. 8, 2016;—Am. 2018, Act 6, Imd. Eff. Jan. 26, 2018.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

"Conditional effective date; action constituting exercise of option; effect of exercising option.

"Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

"(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978."

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

“Effective date of certain sections.

“Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981.”