

# HOUSE BILL No. 5153

November 14, 2013, Introduced by Rep. Walsh and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," 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:**

1           Sec. 304. (1) ~~Effective January 1, 1997, and subject to~~  
 2 ~~subsection (2), each EACH~~ judge of the court of appeals shall  
 3 receive an annual salary ~~equal to the greater of the~~  
 4 ~~following.~~ **CALCULATED AS FOLLOWS:**

5           (a) 92% of the annual salary of a justice of the supreme court  
 6 ~~of this state.~~ **AS OF DECEMBER 31, 2014.**

7           (b) ~~\$114,007.00.~~ **IN ADDITION TO THE AMOUNT CALCULATED UNDER**

1 SUBDIVISION (A), AN AMOUNT EQUAL TO THE AMOUNT CALCULATED UNDER  
 2 SUBDIVISION (A) MULTIPLIED BY THE COMPOUNDED AGGREGATE PERCENTAGE  
 3 PAY INCREASES, EXCLUDING LUMP-SUM PAYMENTS, PAID TO CIVIL SERVICE  
 4 NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND  
 5 ADMINISTRATORS ON OR AFTER JANUARY 1, 2015. THE ADDITIONAL SALARY  
 6 UNDER THIS SUBDIVISION TAKES EFFECT ON THE SAME DATE AS THE  
 7 EFFECTIVE DATE OF THE PAY INCREASE PAID TO CIVIL SERVICE  
 8 NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND  
 9 ADMINISTRATORS. THE ADDITIONAL SALARY CALCULATED UNDER THIS  
 10 SUBDIVISION SHALL NOT BE BASED ON A PAY INCREASE PAID TO CIVIL  
 11 SERVICE NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS  
 12 EXECUTIVES AND ADMINISTRATORS IF THE EFFECTIVE DATE OF THE INCREASE  
 13 WAS BEFORE JANUARY 1, 2015.

14 ~~—— (2) An increase in the amount of salary payable to a judge of~~  
 15 ~~the court of appeals caused by an increase in the salary of a~~  
 16 ~~justice of the supreme court resulting from the operation of Act~~  
 17 ~~No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218~~  
 18 ~~of the Michigan Compiled Laws, shall not be effective until~~  
 19 ~~February 1 of the year in which the increase in the salary of a~~  
 20 ~~justice of the supreme court becomes effective. If an increase in~~  
 21 ~~salary becomes effective on February 1 of a year in which an~~  
 22 ~~increase in the salary of a justice of the supreme court becomes~~  
 23 ~~effective, the increase shall be retroactive to January 1 of that~~  
 24 ~~year.~~

25 (2) ~~(3)~~ The judges shall be reimbursed for their actual and  
 26 necessary expenses from the state treasury, upon the warrant of  
 27 the state treasurer.

1           (3) ~~(4)~~ A judge of the court of appeals shall be ~~IS~~ eligible  
2 to participate in the state contributory insurance programs on the  
3 same basis as a justice of the supreme court.

4           Sec. 555. (1) ~~Subject to subsection (5), each~~ **EACH** circuit  
5 judge shall receive an annual salary payable by the state as  
6 ~~provided in~~ **CALCULATED UNDER** this section and may receive from any  
7 county in which he or she regularly holds court an additional  
8 salary as determined from time to time by the county board of  
9 commissioners. In any county where an additional salary is granted,  
10 it shall be paid at the same rate to all circuit judges regularly  
11 holding court in that county.

12 ~~—— (2) Until the salary of a justice of the supreme court exceeds~~  
13 ~~\$128,538.00, each circuit judge shall receive an annual salary~~  
14 ~~determined as follows:~~

15 ~~—— (a) An annual salary payable by the state of \$65,314.00.~~

16 ~~—— (b) An additional salary payable by the county or counties of~~  
17 ~~the judicial circuit. The state shall reimburse to a county or~~  
18 ~~counties paying an additional salary to a circuit judge \$43,943.00,~~  
19 ~~if the total additional salary, including any cost of living~~  
20 ~~allowance, payable by that county or counties to a circuit judge is~~  
21 ~~not less than or more than \$43,943.00. If the county or counties~~  
22 ~~pay a circuit judge less than or more than \$43,943.00, the county~~  
23 ~~or counties are not entitled to reimbursement from the state under~~  
24 ~~this subsection.~~

25 ~~—— (3) If the salary of a justice of the supreme court exceeds~~  
26 ~~\$128,538.00 but is not more than \$130,633.00, each circuit judge~~  
27 ~~shall receive an annual salary determined as follows:~~

1 ~~—— (a) An annual salary payable by the state of \$65,314.00.~~

2 ~~—— (b) An additional salary payable by the county or counties of~~  
 3 ~~the judicial circuit. If a county or counties paying an additional~~  
 4 ~~salary to a circuit judge pay a circuit judge the difference~~  
 5 ~~between 85% of the salary of a justice of the supreme court and~~  
 6 ~~\$65,314.00, the state shall reimburse to the county or counties~~  
 7 ~~that amount. If the county or counties pay a circuit judge an~~  
 8 ~~additional salary, including any cost of living allowance, that~~  
 9 ~~exceeds that amount, the county or counties are not entitled to~~  
 10 ~~reimbursement from the state under this subsection.~~

11 (2) ~~(4)~~ ~~If the salary of a justice of the supreme court~~  
 12 ~~exceeds \$130,633.00, each EACH circuit judge shall receive an~~  
 13 ~~annual salary determined CALCULATED as follows:~~

14 (a) An annual salary payable by the state that is the  
 15 difference between 85% of the salary of a justice of the supreme  
 16 court **AS OF DECEMBER 31, 2014** and \$45,724.00.

17 (b) ~~An additional~~ **IN ADDITION TO THE AMOUNT CALCULATED UNDER**  
 18 **SUBDIVISION (A), A** salary payable by the county or counties of the  
 19 judicial circuit. The state shall reimburse to a county or counties  
 20 paying an additional salary to a circuit judge \$45,724.00, if the  
 21 total additional salary, including any cost-of-living allowance,  
 22 payable by that county or counties to a circuit judge is ~~not~~  
 23 **NEITHER** less than ~~or~~ **NOR** more than \$45,724.00. If the county or  
 24 counties pay a circuit judge less than or more than \$45,724.00, the  
 25 county or counties are not entitled to reimbursement from the state  
 26 under this subsection.

27 (C) **IN ADDITION TO THE AMOUNTS UNDER SUBDIVISIONS (A) AND (B),**

1 AN AMOUNT EQUAL TO THE AMOUNTS CALCULATED UNDER SUBDIVISIONS (A)  
 2 AND (B) MULTIPLIED BY THE COMPOUNDED AGGREGATE PERCENTAGE PAY  
 3 INCREASES, EXCLUDING LUMP-SUM PAYMENTS, PAID TO CIVIL SERVICE  
 4 NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND  
 5 ADMINISTRATORS ON OR AFTER JANUARY 1, 2015. THE ADDITIONAL SALARY  
 6 UNDER THIS SUBDIVISION TAKES EFFECT ON THE SAME DATE AS THE  
 7 EFFECTIVE DATE OF THE PAY INCREASE PAID TO CIVIL SERVICE  
 8 NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND  
 9 ADMINISTRATORS. THE ADDITIONAL SALARY UNDER THIS SUBDIVISION SHALL  
 10 NOT BE BASED ON A PAY INCREASE PAID TO CIVIL SERVICE NONEXCLUSIVELY  
 11 REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND ADMINISTRATORS  
 12 IF THE EFFECTIVE DATE OF THE INCREASE WAS BEFORE JANUARY 1, 2015.

13 ~~—— (5) An increase in the amount of salary payable to a judge  
 14 under subsection (1) caused by an increase in the salary payable to  
 15 a justice of the supreme court resulting from the operation of Act  
 16 No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218  
 17 of the Michigan Compiled Laws, shall not be effective until  
 18 February 1 of the year in which the increase in the salary of a  
 19 justice of the supreme court becomes effective. If an increase in  
 20 salary becomes effective on February 1 of a year in which an  
 21 increase in the salary of a justice of the supreme court becomes  
 22 effective, the increase shall be retroactive to January 1 of that  
 23 year.~~

24 (3) ~~(6)~~—Each circuit judge who holds court in a county other  
 25 than the county of his or her residence shall be reimbursed for his  
 26 or her actual and necessary expenses incurred in holding court.  
 27 Each circuit judge entitled to the reimbursement shall certify the

1 expenses incurred to the court administrator for allowance. Upon  
 2 allowance by the administrator, the state treasurer shall issue a  
 3 warrant on the state treasury for payment.

4 (4) ~~(7)~~—A circuit judge whose case load is less than other  
 5 circuit judges may be authorized by the supreme court or state  
 6 court administrator to assist other courts and perform other  
 7 judicial duties ~~—~~for limited periods or specific assignments. This  
 8 subsection shall not be construed as a directive to the supreme  
 9 court or state court administrator.

10 Sec. 821. (1) The following probate judges shall not engage in  
 11 the practice of law other than as a judge and shall receive ~~—~~  
 12 ~~subject to subsection (6),~~ an annual salary ~~provided in AS~~  
 13 **CALCULATED UNDER** this section:

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

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

20 (c) A probate judge in a county having a population of 15,000  
 21 or more according to the 1990 federal decennial census, if the  
 22 county is not part of a probate court district created ~~pursuant to~~  
 23 **BY** law.

24 (d) A probate judge who has the jurisdiction, powers, duties,  
 25 and title of a district judge within his or her respective county  
 26 ~~pursuant to~~ **UNDER** section 810a.

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

1 ~~determined~~ **CALCULATED** as follows:

2 (a) A minimum annual salary of the difference between 85% of  
3 the salary of a justice of the supreme court **AS OF DECEMBER 31,**  
4 **2014** and \$45,724.00.

5 (b) ~~An additional~~ **IN ADDITION TO THE AMOUNT CALCULATED UNDER**  
6 **SUBDIVISION (A), A** salary of \$45,724.00 paid by the county or ~~by~~  
7 ~~the~~ counties comprising a probate court district. If a probate  
8 judge receives a total additional salary of \$45,724.00 from the  
9 county ~~, or from the~~ counties comprising a probate court district,  
10 and ~~does not receive~~ **RECEIVES NEITHER** less than ~~or~~ **NOR** more than  
11 \$45,724.00, including any cost-of-living allowance, the state shall  
12 reimburse the county or counties the amount that the county or  
13 counties have paid to the judge.

14 (C) **IN ADDITION TO THE AMOUNTS UNDER SUBDIVISIONS (A) AND (B),**  
15 **AN AMOUNT EQUAL TO THE AMOUNTS CALCULATED UNDER SUBDIVISIONS (A)**  
16 **AND (B) MULTIPLIED BY THE COMPOUNDED AGGREGATE PERCENTAGE PAY**  
17 **INCREASES, EXCLUDING LUMP-SUM PAYMENTS, PAID TO CIVIL SERVICE**  
18 **NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND**  
19 **ADMINISTRATORS ON OR AFTER JANUARY 1, 2015. THE ADDITIONAL SALARY**  
20 **UNDER THIS SUBDIVISION TAKES EFFECT ON THE SAME DATE AS THE**  
21 **EFFECTIVE DATE OF THE PAY INCREASE PAID TO CIVIL SERVICE**  
22 **NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND**  
23 **ADMINISTRATORS. THE ADDITIONAL SALARY UNDER THIS SUBDIVISION SHALL**  
24 **NOT BE BASED ON A PAY INCREASE PAID TO CIVIL SERVICE NONEXCLUSIVELY**  
25 **REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND ADMINISTRATORS**  
26 **IF THE EFFECTIVE DATE OF THE INCREASE WAS BEFORE JANUARY 1, 2015.**

27 (3) Six thousand dollars of the minimum annual salary provided

1 in subsection (2) shall be paid by the county ~~or by the counties~~  
 2 comprising a probate court district, and the balance of that  
 3 minimum annual salary shall be paid by the state as a grant to the  
 4 county or the counties comprising the probate court district. The  
 5 county ~~or the counties~~ comprising the probate court district,  
 6 shall in turn pay that amount to the probate judge. The state shall  
 7 annually reimburse the county or counties \$6,000.00 for each  
 8 probate judge to offset the cost ~~of~~ **TO** the county or counties  
 9 ~~required by~~ **UNDER** this section.

10 (4) The salary ~~provided in~~ **CALCULATED UNDER** this section is  
 11 full compensation for all services performed by a probate judge,  
 12 except as otherwise provided by law. In a probate court district,  
 13 each county of the district shall contribute to the salary in the  
 14 same proportion as the population of the county bears to the  
 15 population of the district.

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

23 ~~—— (6) An increase in the amount of salary payable to a judge~~  
 24 ~~under subsection (1) caused by an increase in the salary payable to~~  
 25 ~~a justice of the supreme court resulting from the operation of 1968~~  
 26 ~~PA 357, MCL 15.211 to 15.218, is not effective until February 1 of~~  
 27 ~~the year in which the increase in the salary of a justice of the~~



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

5       Sec. 8202. (1) ~~Subject to subsection (3), a~~ **A** district judge  
6 shall receive an annual salary payable by this state as ~~provided in~~  
7 **CALCULATED UNDER** this section.

8       (2) In addition to the salary received from this state **UNDER**  
9 **SUBSECTION (1)**, a district judge may receive from a district  
10 funding unit in which the judge regularly holds court an additional  
11 salary as determined by the governing legislative body of the  
12 district funding unit as provided in this section. Supplemental  
13 salaries paid by a district funding unit shall be uniform as to all  
14 judges who regularly hold court in the district funding unit.  
15 However, the total annual additional salary paid to a district  
16 court judge by the district funding units in which the judge  
17 regularly holds court shall not cause the district judge's total  
18 annual salary received from state and district funding unit funds  
19 to exceed the maximum total salary allowed under this section.

20 ~~—— (3) An increase in the amount of salary payable to a judge  
21 under subsection (1) caused by an increase in the salary payable to  
22 a justice of the supreme court resulting from the operation of Act  
23 No. 357 of the Public Acts of 1968, being sections 15.211 to 15.218  
24 of the Michigan Compiled Laws, shall not be effective until  
25 February 1 of the year in which the increase in the salary of a  
26 justice of the supreme court becomes effective. If an increase in  
27 salary becomes effective on February 1 of a year in which an~~

1 ~~increase in the salary of a justice of the supreme court becomes~~  
 2 ~~effective, the increase shall be retroactive to January 1 of that~~  
 3 ~~year.~~

4 ~~—— (4) Until the salary of a justice of a supreme court exceeds~~  
 5 ~~\$124,413.00, each district judge shall receive an annual salary of~~  
 6 ~~\$104,507.00 determined as follows:~~

7 ~~—— (a) An annual salary of \$58,783.00 payable by the state.~~

8 ~~—— (b) An additional salary of \$45,724.00 payable by the district~~  
 9 ~~funding unit or units as provided in subsection (2). If a district~~  
 10 ~~judge receives a total additional salary of \$45,724.00 from the~~  
 11 ~~district funding unit or units and does not receive less than or~~  
 12 ~~more than \$45,724.00, including any cost of living allowance, the~~  
 13 ~~state shall reimburse the district funding unit or units the amount~~  
 14 ~~that the unit or units have paid to the judge.~~

15 ~~(3) (5) If the salary of a justice of the supreme court~~  
 16 ~~exceeds \$124,413.00, each EACH district judge shall receive an~~  
 17 ~~annual salary determined CALCULATED as follows:~~

18 ~~(a) A minimum annual salary of the difference between 84% of~~  
 19 ~~the salary of a justice of the supreme court AS OF DECEMBER 31,~~  
 20 ~~2014 and \$45,724.00.~~

21 ~~(b) An additional IN ADDITION TO THE AMOUNT CALCULATED UNDER~~  
 22 ~~SUBDIVISION (A), A salary of \$45,724.00 from the district funding~~  
 23 ~~unit or units as provided in subsection (2). If a district judge~~  
 24 ~~receives a total additional salary of \$45,724.00 from the district~~  
 25 ~~funding unit or units and does not receive RECEIVES NEITHER less~~  
 26 ~~than or NOR more than \$45,724.00, including any cost-of-living~~  
 27 ~~allowance, the state shall reimburse the district funding unit or~~

1 units the amount that the unit or units have paid to the judge.

2 (C) IN ADDITION TO THE AMOUNTS UNDER SUBDIVISIONS (A) AND (B),  
 3 AN AMOUNT EQUAL TO THE AMOUNTS CALCULATED UNDER SUBDIVISIONS (A)  
 4 AND (B) MULTIPLIED BY THE COMPOUNDED AGGREGATE PERCENTAGE PAY  
 5 INCREASES, EXCLUDING LUMP-SUM PAYMENTS, PAID TO CIVIL SERVICE  
 6 NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND  
 7 ADMINISTRATORS ON OR AFTER JANUARY 1, 2015. THE ADDITIONAL SALARY  
 8 UNDER THIS SUBDIVISION TAKES EFFECT ON THE SAME DATE AS THE  
 9 EFFECTIVE DATE OF THE PAY INCREASE PAID TO CIVIL SERVICE  
 10 NONEXCLUSIVELY REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND  
 11 ADMINISTRATORS. THE ADDITIONAL SALARY UNDER THIS SUBDIVISION SHALL  
 12 NOT BE BASED ON A PAY INCREASE PAID TO CIVIL SERVICE NONEXCLUSIVELY  
 13 REPRESENTED EMPLOYEES CLASSIFIED AS EXECUTIVES AND ADMINISTRATORS  
 14 IF THE EFFECTIVE DATE OF THE INCREASE WAS BEFORE JANUARY 1, 2015.

15 (4) ~~(6)~~—A district judge who holds court in a county other  
 16 than the county of the judge's residence shall be reimbursed for  
 17 his or her actual and necessary expenses incurred in holding court  
 18 upon certification and approval by the state court administrator.  
 19 Upon certification of the judge's expenses, the sum shall be paid  
 20 out of the state treasury ~~pursuant to~~ **UNDER** the accounting laws of  
 21 this state.

22 (5) ~~(7)~~—Salaries of a district court judge may be increased  
 23 but shall not be decreased during a term of office, except ~~and only~~  
 24 to the extent of a general salary reduction in all other branches  
 25 of government.

26 (6) ~~(8)~~—A judge of the district court is eligible to be a  
 27 member of the Michigan judges retirement system created ~~by~~ **UNDER**

1 the judges retirement act of 1992, ~~Act No. 234 of the Public Acts~~  
2 ~~of 1992, being sections 38.2101 to 38.2608 of the Michigan Compiled~~  
3 ~~Laws.1992 PA 234, MCL 38.2101 TO 38.2670.~~

4 (7) ~~(9)~~The district court in a district may hold evening and  
5 Saturday sessions.

6 Enacting section 1. This amendatory act takes effect January  
7 1, 2015.