

# SENATE BILL NO. 765

February 04, 2020, Introduced by Senators RUNESTAD, THEIS, WOJNO, VICTORY, DALEY, LAUWERS, LUCIDO, GEISS, CHANG, SCHMIDT, JOHNSON, ALEXANDER, MCMORROW, BARRETT, VANDERWALL, BULLOCK, OUTMAN, MOSS, SANTANA, POLEHANKI, HOLLIER, MCBROOM, NESBITT, HERTEL and ANANICH and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 821 (MCL 600.821), as amended by 2018 PA 6.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

1 calculated under this section.

2 (2) ~~Each~~ **Subject to subsection (6), each** probate judge shall  
3 receive an annual salary calculated as follows:

4 (a) A minimum annual salary of the difference between 85% of  
5 the salary of a justice of the supreme court as of December 31,  
6 2015 and \$45,724.00.

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

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

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

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

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

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

21 (6) **If a probate judge is charged with a felony and as a**  
22 **result his or her docket is removed or he or she is suspended from**  
23 **acting as a probate judge, the portion of the salary of that**  
24 **probate judge that accumulates during the time the docket of the**  
25 **probate judge is removed or the probate judge is suspended will be**  
26 **held in escrow by the state court administrative office pending the**  
27 **outcome of the criminal proceeding. If the probate judge is**  
28 **convicted of the felony, the money held in escrow under this**  
29 **subsection must be released to the state and to the county or**

1 counties that contributed the salary. If the probate judge is found  
2 not guilty of the felony or if the felony charge is dismissed, the  
3 money held in escrow under this subsection must be released to the  
4 probate judge on his or her reinstatement.

5 (7) As used in this section, "docket" means the legal causes  
6 to be tried by a judge.