

# HOUSE BILL NO. 4447

March 04, 2021, 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~~**must** receive an annual  
**2** salary payable by ~~the~~**this** state as calculated under this section

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

6 (2) Each circuit judge ~~shall~~**must** receive an annual salary  
7 calculated as follows:

8 (a) ~~An~~**Until September 30, 2021, an** annual salary payable by  
9 ~~the~~**this** state that is the difference between 85% of the salary of  
10 a justice of the supreme court as of December 31, 2015 and  
11 \$45,724.00. **Beginning on October 1, 2021, an annual salary payable**  
12 **by this state that is 85% of the salary of a justice of the supreme**  
13 **court as of December 31, 2015 but each circuit judge may receive an**  
14 **additional salary as determined and payable by the county board of**  
15 **commissioners under section 18 of article VI of the state**  
16 **constitution of 1963 and subsection (1).**

17 (b) ~~In~~**Until September 30, 2021, in** addition to the amount  
18 calculated under subdivision (a), a salary payable by the county or  
19 counties of the judicial circuit. ~~The~~**This** state shall reimburse to  
20 a county or counties paying an additional salary to a circuit judge  
21 \$45,724.00, if the total additional salary, including any cost-of-  
22 living allowance, payable by that county or counties to a circuit  
23 judge is neither less than nor more than \$45,724.00. If the county  
24 or counties pay a circuit judge less than or more than \$45,724.00,  
25 the county or counties are not entitled to reimbursement from ~~the~~  
26 **this** state under this subsection.

27 (c) In addition to the amounts under subdivisions (a) and (b),  
28 an amount payable by ~~the~~**this** state that is equal to the amounts  
29 calculated under subdivisions (a) and (b) multiplied by the

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

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

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

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

1           (2) Each probate judge ~~shall~~**must** receive an annual salary  
2 calculated as follows:

3           (a) ~~A minimum~~**Until September 30, 2021, an** annual salary  
4 **payable by this state** of the difference between 85% of the salary  
5 of a justice of the supreme court as of December 31, 2015 and  
6 \$45,724.00. **Beginning October 1, 2021, an annual salary payable by**  
7 **this state of 85% of the salary of a justice of the supreme court**  
8 **as of December 31, 2015 but each probate judge may receive an**  
9 **additional salary as determined and payable by the county board of**  
10 **commissioners under subsection (5).**

11           (b) ~~In~~**Until September 30, 2021, in** addition to the amount  
12 calculated under subdivision (a), a salary of \$45,724.00 paid by  
13 the county or counties comprising a probate court district. If a  
14 probate judge receives a total additional salary of \$45,724.00 from  
15 the county or counties comprising a probate court district, and  
16 receives neither less than nor more than \$45,724.00, including any  
17 cost-of-living allowance, ~~the~~**this** state shall reimburse the county  
18 or counties the amount that the county or counties have paid to the  
19 judge.

20           (c) In addition to the amounts under subdivisions (a) and (b),  
21 an amount payable by ~~the~~**this** 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 must not be based on a pay increase paid to  
 2 civil service nonexclusively represented employees classified as  
 3 executives and administrators if the effective date of the increase  
 4 was before January 1, 2016.

5 (3) ~~Six thousand dollars~~ **Until September 30, 2021, \$6,000.00**  
 6 of the minimum annual salary provided in subsection (2) must be  
 7 paid by the county or counties comprising a probate court district,  
 8 and the balance of that minimum annual salary must be paid by ~~the~~  
 9 **this** state as a grant to the county or the counties comprising the  
 10 probate court district. The county or counties comprising the  
 11 probate court district, shall in turn pay that amount to the  
 12 probate judge. ~~The~~ **This** state shall annually reimburse the county  
 13 or counties \$6,000.00 for each probate judge to offset the cost to  
 14 the county or counties under this section.

15 (4) The salary calculated under this section is full  
 16 compensation for all services performed by a probate judge, except  
 17 as otherwise provided by law. ~~In~~ **Until September 30, 2021, in** a  
 18 probate court district, each county of the district shall  
 19 contribute to the salary in the same proportion as the population  
 20 of the county bears to the population of the district.

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

28 Sec. 822. (1) ~~Except~~ **Until September 30, 2021, except** as  
 29 provided in subsection (6), a probate judge not included in section

1 821 ~~shall~~**must** receive a minimum annual salary of \$20,000.00. Six  
 2 thousand dollars of the minimum annual salary provided by this  
 3 subsection ~~shall~~**must** be paid by the county and the balance of the  
 4 minimum annual salary ~~shall~~**must** be paid by ~~the~~**this** state as a  
 5 grant to the county. The county shall, in turn, pay that amount to  
 6 the probate judge. **Beginning October 1, 2021, a probate judge not**  
 7 **included in section 821 must receive a minimum annual salary**  
 8 **payable by this state of the amount he or she earned in the 2020-**  
 9 **2021 fiscal year but may receive an additional salary as determined**  
 10 **and payable by the county board of commissioners under subsection**  
 11 **(3).**

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

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

24 (a) **Until September 30, 2021,** not more than \$45,724.00, as  
 25 determined by the county board of commissioners. The additional  
 26 salary may ~~be increased~~**increase** during a term of office but ~~shall~~  
 27 **must** not ~~be decreased~~**decrease** except to the extent of a general  
 28 salary reduction in all other branches of government in the county.

29 (b) **Beginning October 1, 2021, an additional salary as**

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

7 (4) ~~Except~~ **Until September 30, 2021, except** as provided in  
8 subsection (8), the total annual salary of a probate judge,  
9 including the salary provided in subsection (1) and any additional  
10 salary granted by the county under subsection (3), ~~shall~~ **must** not  
11 exceed \$65,724.00.

12 (5) ~~From~~ **Until September 30, 2021, from** funds appropriated to  
13 the judiciary, ~~the~~ **this** state shall pay to a county described in  
14 subsection (1) a state salary standardization payment of \$5,750.00  
15 for each probate judge and an additional payment of \$6,000.00 for  
16 each probate judge to offset the portion of minimum annual salary  
17 paid by the county.

18 (6) ~~A~~ **Until September 30, 2021, a** probate judge described in  
19 subsection (1) may receive an additional minimum annual salary, in  
20 addition to the \$20,000.00 minimum annual salary described in  
21 subsection (1), if all of the following apply:

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

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

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

1           (ii) An agreement to immediately reimburse ~~the~~**this** state for  
2 the additional minimum annual salary authorized under this  
3 subsection.

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

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

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

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

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

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

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

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

24          (7) ~~The~~**Until September 30, 2021, the** additional minimum  
25 annual salary authorized under subsection (6) ~~shall be~~**is** paid by  
26 ~~the~~**this** state as a grant to the county, and the county shall in  
27 turn pay that amount to the probate judge in the same manner as  
28 provided in section 821(3). The county may increase the  
29 determination authorized under subsection (6) (b) (i) and its



1 obligation to reimburse ~~the~~**this** state during the term of office of  
2 the probate judge.

3 (8) ~~The~~**Until September 30, 2021, the** total annual salary paid  
4 to a probate judge who receives an additional minimum annual salary  
5 under subsection (6), including the minimum annual salary provided  
6 in subsection (1), the additional county salary provided in  
7 subsection (3), and the additional minimum annual salary provided  
8 in subsection (6), ~~shall~~**must** not exceed 85% of the salary of a  
9 justice of the supreme court. **Beginning October 1, 2021, the total**  
10 **annual salary paid to a probate judge who receives the minimum**  
11 **annual salary provided in subsection (1) and the additional county**  
12 **salary provided in subsection (3) must not exceed 85% of the salary**  
13 **of a justice of the supreme court.**

14 (9) ~~If~~**Until September 30, 2021, if** a probate judge described  
15 in subsection (1) becomes included in section 821, any additional  
16 minimum annual salary authorized under subsection (6) ~~shall~~**must**  
17 thereafter be considered part of the minimum annual salary  
18 described in section 821(2)(a), and the county's obligation to  
19 reimburse ~~the~~**this** state under subsection (6) ~~shall~~**must** cease.

20 (10) ~~A~~**Until September 30, 2021, a** probate judge who receives  
21 an additional minimum annual salary under subsection (6) shall not  
22 engage in the practice of law other than as a judge.

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

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

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

9 (3) Each district judge ~~shall~~**must** receive an annual salary  
 10 calculated as follows:

11 (a) ~~A~~**Until September 30, 2021, a** minimum annual salary  
 12 payable by ~~the~~**this** state that is equal to the difference between  
 13 84% of the salary of a justice of the supreme court as of December  
 14 31, 2015 and \$45,724.00. **Beginning October 1, 2021, an annual**  
 15 **salary payable by this state that is equal to 84% of the salary of**  
 16 **a justice of the supreme court as of December 31, 2015 but may**  
 17 **receive an additional salary as determined and payable by the**  
 18 **county board of commissioners under subsection (2).**

19 (b) ~~In~~**Until September 30, 2021, in** addition to the amount  
 20 calculated under subdivision (a), a salary of \$45,724.00 from the  
 21 district funding unit or units as provided in subsection (2). If a  
 22 district judge receives a total additional salary of \$45,724.00  
 23 from the district funding unit or units and receives neither less  
 24 than nor more than \$45,724.00, including any cost-of-living  
 25 allowance, ~~the~~**this** state shall reimburse the district funding unit  
 26 or units the amount that the unit or units have paid to the judge.

27 (c) In addition to the amounts under subdivisions (a) and (b),  
 28 an amount payable by ~~the~~**this** state that is equal to the amounts  
 29 calculated under subdivisions (a) and (b) multiplied by the

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

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

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

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

26 (7) The district court in a district may hold evening and  
27 Saturday sessions.