

HOUSE BILL No. 5005

July 10, 2007, Introduced by Reps. Brown, Corriveau, Valentine, Simpson, Ebli, Donigan, Byrum, Griffin, Leland, Gonzales, Meadows, Melton, Wojno, Gillard, Warren, Farrah, Sak, Sheltroun, Miller, Clack, Robert Jones, Vagnozzi and Dean and referred to the Committee on Government Operations.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 208, 304, 555, 821, and 8202 (MCL 600.208, 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. 208. (1) Each supreme court justice shall receive an
2 annual salary of ~~\$35,000.00~~ **AS DETERMINED BY THE STATE OFFICERS**
3 **COMPENSATION COMMISSION UNDER SECTION 12 OF ARTICLE IV OF THE STATE**
4 **CONSTITUTION OF 1963 AND 1968 PA 357, MCL 15.211 TO 15.218, payable**
5 out of the ~~moneys~~ **MONEY** appropriated by the legislature **FOR THE**
6 **SUPREME COURT.**

7 (2) The justices shall not receive any allowance for traveling

1 expenses between their residences and the seat of government.

2 (3) **THE SALARY, EXPENSE ALLOWANCES, AND EMPLOYMENT BENEFITS**
 3 **AND PERQUISITES OF A SUPREME COURT JUSTICE DO NOT INCLUDE THE**
 4 **ASSIGNMENT OF A STATE OWNED OR LEASED VEHICLE TO THE JUSTICE.**

5 (4) ~~(3)~~The justices who attend judicial meetings called by
 6 the court administrator shall ~~shall~~**MAY** be reimbursed from the state
 7 treasury, upon the warrant of the state treasurer, **MONEY**
 8 **APPROPRIATED BY THE LEGISLATURE FOR THE SUPREME COURT** for their
 9 actual and necessary expenses.

10 Sec. 304. (1) ~~Effective January 1, 1997, and subject~~ **SUBJECT**
 11 to subsection (2), each judge of the court of appeals shall receive
 12 an annual salary equal to the ~~greater of the following:~~

13 ~~—— (a) 92% of the annual salary of a justice of the supreme court~~
 14 ~~of this state.~~

15 ~~—— (b) \$114,007.00.~~

16 (2) An increase **OR DECREASE** in the amount of salary payable to
 17 a judge of the court of appeals caused by an increase **OR DECREASE**
 18 in the salary of a justice of the supreme court resulting from the
 19 operation of Act No. 357 of the Public Acts of 1968, being sections
 20 ~~15.211 to 15.218 of the Michigan Compiled Laws~~ **SECTION 12 OF**
 21 **ARTICLE IV OF THE STATE CONSTITUTION OF 1963 AND 1968 PA 357, MCL**
 22 **15.211 TO 15.218**, shall not be effective until February 1 of the
 23 year in which the increase **OR DECREASE** in the salary of a justice
 24 of the supreme court becomes effective. ~~If an increase in salary~~
 25 ~~becomes effective on February 1 of a year in which an increase in~~
 26 ~~the salary of a justice of the supreme court becomes effective, the~~
 27 ~~increase shall be retroactive to January 1 of that year.~~

1 (3) The judges ~~shall~~ **MAY** be reimbursed for their actual and
2 necessary expenses from ~~the state treasury, upon the warrant of the~~
3 ~~state treasurer~~ **MONEY APPROPRIATED BY THE LEGISLATURE FOR THE COURT**
4 **OF APPEALS.**

5 (4) **THE SALARY, EXPENSE ALLOWANCES, AND EMPLOYMENT BENEFITS**
6 **AND PERQUISITES OF A JUDGE OF THE COURT OF APPEALS DO NOT INCLUDE**
7 **THE ASSIGNMENT OF A STATE OWNED OR LEASED VEHICLE TO THE JUDGE.**

8 (5) ~~(4)~~ A judge of the court of appeals ~~shall be~~ **IS** eligible
9 to participate in the state contributory insurance programs on the
10 same basis as a justice of the supreme court.

11 Sec. 555. (1) Subject to subsection ~~(5)~~ **(3)**, each circuit
12 judge shall receive an annual salary payable by the state as
13 provided in this section and may receive from any county in which
14 he or she regularly holds court an additional salary as determined
15 from time to time by the county board of commissioners. In any
16 county where an additional salary is granted, it shall be paid at
17 the same rate to all circuit judges regularly holding court in that
18 county.

19 ~~—— (2) Until the salary of a justice of the supreme court exceeds~~
20 ~~\$128,538.00, each circuit judge shall receive an annual salary~~
21 ~~determined as follows:~~

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

23 ~~—— (b) An additional salary payable by the county or counties of~~
24 ~~the judicial circuit. The state shall reimburse to a county or~~
25 ~~counties paying an additional salary to a circuit judge \$43,943.00,~~
26 ~~if the total additional salary, including any cost of living~~
27 ~~allowance, payable by that county or counties to a circuit judge is~~

1 ~~not less than or more than \$43,943.00. If the county or counties~~
2 ~~pay a circuit judge less than or more than \$43,943.00, the county~~
3 ~~or counties are not entitled to reimbursement from the state under~~
4 ~~this subsection.~~

5 ~~—— (3) If the salary of a justice of the supreme court exceeds~~
6 ~~\$128,538.00 but is not more than \$130,633.00, each circuit judge~~
7 ~~shall receive an annual salary determined as follows:~~

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

9 ~~—— (b) An additional salary payable by the county or counties of~~
10 ~~the judicial circuit. If a county or counties paying an additional~~
11 ~~salary to a circuit judge pay a circuit judge the difference~~
12 ~~between 85% of the salary of a justice of the supreme court and~~
13 ~~\$65,314.00, the state shall reimburse to the county or counties~~
14 ~~that amount. If the county or counties pay a circuit judge an~~
15 ~~additional salary, including any cost of living allowance, that~~
16 ~~exceeds that amount, the county or counties are not entitled to~~
17 ~~reimbursement from the state under this subsection.~~

18 ~~—— (4) If the salary of a justice of the supreme court exceeds~~
19 ~~\$130,633.00, each~~

20 (2) **EACH** circuit judge shall receive an annual salary
21 determined as follows:

22 (a) An annual salary payable by the state that is the
23 difference between 85% of the salary of a justice of the supreme
24 court and \$45,724.00.

25 (b) An additional salary payable by the county or counties of
26 the judicial circuit. The state shall reimburse to a county or
27 counties paying an additional salary to a circuit judge \$45,724.00,

1 if the total additional salary, including any cost-of-living
2 allowance, payable by that county or counties to a circuit judge ~~is~~
3 ~~not less than or more than~~ **EQUALS** \$45,724.00. If the county or
4 counties pay a circuit judge less than or more than \$45,724.00, the
5 county or counties are not entitled to reimbursement from the state
6 under this subsection.

7 (3) ~~(5)~~ An increase **OR DECREASE** in the amount of salary
8 payable to a judge under ~~subsection (1)~~ **THIS SECTION** caused by an
9 increase **OR DECREASE** in the salary payable to a justice of the
10 supreme court resulting from the operation of Act No. ~~357~~ of the
11 ~~Public Acts of 1968, being sections 15.211 to 15.218 of the~~
12 ~~Michigan Compiled Laws~~ **SECTION 12 OF ARTICLE IV OF THE STATE**
13 **CONSTITUTION OF 1963 AND 1968 PA 357, MCL 15.211 TO 15.218**, shall
14 not be effective until February 1 of the year in which the increase
15 **OR DECREASE** in the salary of a justice of the supreme court becomes
16 effective. ~~If an increase in salary becomes effective on February 1~~
17 ~~of a year in which an increase in the salary of a justice of the~~
18 ~~supreme court becomes effective, the increase shall be retroactive~~
19 ~~to January 1 of that year.~~

20 (4) ~~(6)~~ Each circuit judge who holds court in a county other
21 than the county of his or her residence shall ~~shall~~ **MAY** be reimbursed for
22 his or her actual and necessary expenses incurred in holding court
23 **SUBJECT TO AVAILABLE APPROPRIATIONS**. Each circuit judge ~~entitled~~
24 **AUTHORIZED** to ~~the~~ **SEEK** reimbursement shall certify the expenses
25 incurred to the court administrator for allowance. Upon allowance
26 by the administrator, the ~~state treasurer shall issue a warrant on~~
27 ~~the state treasury for payment~~ **REIMBURSEMENT SHALL BE PAID FROM**

1 MONEY APPROPRIATED BY THE LEGISLATURE FOR THE JUDICIAL BRANCH.

2 (5) THE SALARY, EXPENSE ALLOWANCES, AND EMPLOYMENT BENEFITS
3 AND PERQUISITES OF A CIRCUIT JUDGE DO NOT INCLUDE THE ASSIGNMENT OF
4 A STATE OWNED OR LEASED VEHICLE TO THE JUDGE.

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

11 Sec. 821. (1) ~~The following probate judges~~ **EXCEPT AS PROVIDED**
12 **IN SUBSECTION (2), A PROBATE JUDGE** shall not engage in the practice
13 of law other than as a judge and shall receive, subject to
14 subsection ~~(6)~~ **(8)**, an annual salary provided in this section. +

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

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

21 (2) ~~(c)~~ **A SUBSECTION (1) DOES NOT APPLY TO A** probate judge in
22 a county having **THAT HAS** a population of ~~15,000 or more~~ **LESS THAN**
23 **2,500** according to the ~~1990~~ **MOST RECENT** federal decennial census +
24 ~~if the county~~ **AND THAT** is not part of a probate court district
25 created pursuant to law.

26 ~~— (d) A probate judge who has the jurisdiction, powers, duties,~~
27 ~~and title of a district judge within his or her respective county~~

1 ~~pursuant to section 810a.~~

2 (3) ~~(2)~~ Each **SUBJECT TO SUBSECTION (7), A probate judge, OTHER**
3 **THAN A PROBATE JUDGE DESCRIBED IN SUBSECTION (2),** shall receive an
4 annual salary determined as follows:

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

7 (b) An additional salary of \$45,724.00 paid by the county or
8 by the counties comprising a probate court district. If a probate
9 judge receives a total additional salary of \$45,724.00 from the
10 county, or from the counties comprising a probate court district,
11 and does not receive less than or more than \$45,724.00, including
12 any cost-of-living allowance, the state shall reimburse the county
13 or counties the amount that the county or counties have paid to the
14 judge.

15 (4) ~~(3)~~ Six thousand dollars of the minimum annual salary
16 provided in subsection ~~(2)~~ ~~(3)~~ shall be paid by the county, or by
17 the counties comprising a probate court district, and the balance
18 of that minimum annual salary shall be paid by the state as a grant
19 to the county or the counties comprising the probate court
20 district. The county, or the counties comprising the probate court
21 district, shall in turn pay that amount to the probate judge. The
22 state shall annually reimburse the county or counties \$6,000.00 for
23 each probate judge to offset the cost of the county or counties
24 required by this section.

25 (5) ~~(4)~~ The salary provided in this section is full
26 compensation for all services performed by a probate judge, except
27 as otherwise provided by law. In a probate court district, each

1 county of the district shall contribute to the salary in the same
 2 proportion as the population of the county bears to the population
 3 of the district.

4 **(6) THE SALARY, EXPENSE ALLOWANCES, AND EMPLOYMENT BENEFITS**
 5 **AND PERQUISITES OF A PROBATE JUDGE DO NOT INCLUDE THE ASSIGNMENT OF**
 6 **A STATE OWNED OR LEASED VEHICLE TO THE JUDGE.**

7 **(7) ~~(5)~~**An additional salary determined by the county board of
 8 commissioners may be increased during a term of office but shall
 9 not be decreased except to the extent of a general salary reduction
 10 in all other branches of government. ~~in the county.~~ In a county
 11 where an additional salary is granted, it shall be paid at the same
 12 rate to all probate judges regularly holding court in the county.

13 **(8) ~~(6)~~**An increase **OR DECREASE** in the amount of salary
 14 payable to a judge under subsection ~~(1)~~ **(3) (A)** caused by an
 15 increase **OR DECREASE** in the salary payable to a justice of the
 16 supreme court resulting from the operation of **SECTION 12 OF ARTICLE**
 17 **IV OF THE STATE CONSTITUTION OF 1963 AND** 1968 PA 357, MCL 15.211 to
 18 15.218, is not effective until February 1 of the year in which the
 19 increase **OR DECREASE** in the salary of a justice of the supreme
 20 court becomes effective. ~~If an increase in salary becomes effective~~
 21 ~~on February 1 of a year in which an increase in the salary of a~~
 22 ~~justice of the supreme court becomes effective, the increase is~~
 23 ~~retroactive to January 1 of that year.~~

24 Sec. 8202. (1) Subject to subsection (3), a district judge
 25 shall receive an annual salary payable by this state as provided in
 26 this section.

27 (2) In addition to the salary received from this state, a

1 district judge may receive from a district funding unit in which
 2 the judge regularly holds court an additional salary as determined
 3 by the governing legislative body of the district funding unit as
 4 provided in this section. Supplemental salaries paid by a district
 5 funding unit shall be uniform as to all judges who regularly hold
 6 court in the district funding unit. However, the total annual
 7 additional salary paid to a district ~~court~~-judge by the district
 8 funding units in which the judge regularly holds court shall not
 9 cause the district judge's total annual salary received from state
 10 and district funding unit funds to exceed the maximum total salary
 11 allowed under this section.

12 (3) An increase **OR DECREASE** in the amount of salary payable to
 13 a **DISTRICT** judge under subsection ~~(1)~~ **(4)** caused by an increase **OR**
 14 **DECREASE** in the salary payable to a justice of the supreme court
 15 resulting from the operation of ~~Act No. 357 of the Public Acts of~~
 16 ~~1968, being sections 15.211 to 15.218 of the Michigan Compiled Laws~~
 17 **SECTION 12 OF ARTICLE IV OF THE STATE CONSTITUTION OF 1963 AND 1968**
 18 **PA 357, MCL 15.211 TO 15.218**, shall not be effective until February
 19 1 of the year in which the increase **OR DECREASE** 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 ~~— (4) Until the salary of a justice of a supreme court exceeds~~
 26 ~~\$124,413.00, each district judge shall receive an annual salary of~~
 27 ~~\$104,507.00 determined as follows:~~

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

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

9 ~~—— (5) If the salary of a justice of the supreme court exceeds~~
10 ~~\$124,413.00, each~~

11 (4) **EACH** district judge shall receive an annual salary
12 determined as follows:

13 (a) A minimum annual salary of the difference between 84% of
14 the salary of a justice of the supreme court and \$45,724.00.

15 (b) An additional salary of \$45,724.00 from the district
16 funding unit or units as provided in subsection (2). If a district
17 judge receives a total additional salary of \$45,724.00 from the
18 district funding unit or units and does not receive less than or
19 more than \$45,724.00, including any cost-of-living allowance, the
20 state shall reimburse the district funding unit or units the amount
21 that the unit or units have paid to the judge.

22 (5) ~~(6)~~ A district judge who holds court in a county other
23 than the county of the judge's residence ~~shall~~ **MAY** be reimbursed
24 for his or her actual and necessary expenses incurred in holding
25 court upon certification and approval by the state court
26 administrator. Upon certification of the judge's expenses, the sum
27 shall be paid ~~out of the state treasury pursuant to the accounting~~

1 ~~laws of this state~~ FROM MONEY APPROPRIATED BY THE LEGISLATURE FOR
2 THE JUDICIAL BRANCH.

3 (6) THE SALARY, EXPENSE ALLOWANCES, AND EMPLOYMENT BENEFITS
4 AND PERQUISITES OF A DISTRICT JUDGE DO NOT INCLUDE THE ASSIGNMENT
5 OF A STATE OWNED OR LEASED VEHICLE TO THE JUDGE.

6 (7) Salaries of a district ~~court~~ judge may be increased but
7 shall not be decreased during a term of office except and only to
8 the extent of a general salary reduction in all other branches of
9 government.

10 (8) A **DISTRICT** judge ~~of the district court~~ is eligible to be a
11 member of the Michigan judges retirement system created by the
12 judges retirement act of 1992, ~~Act No. 234 of the Public Acts of~~
13 ~~1992, being sections 38.2101 to 38.2608 of the Michigan Compiled~~
14 ~~Laws~~ 1992 PA 234, MCL 38.2101 TO 38.2670.

15 (9) The district court in a district may hold evening and
16 Saturday sessions.