



HOUSE BILL No. 5457

November 30, 1995, Introduced by Rep. Bryant and referred to the Committee on Appropriations.

A bill to amend sections 304, 555, 821, 822, and 8202 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," sections 304 and 555 as amended by Act No. 438 of the Public Acts of 1980, sections 821 and 822 as amended by Act No. 389 of the Public Acts of 1994, and section 8202 as amended by Act No. 233 of the Public Acts of 1992, being sections 600.304, 600.555, 600.821, 600.822, and 600.8202 of the Michigan Compiled Laws; to add section 556; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 304, 555, 821, 822, and 8202 of Act
2 No. 236 of the Public Acts of 1961, sections 304 and 555 as
3 amended by Act No. 438 of the Public Acts of 1980, sections 821
4 and 822 as amended by Act No. 389 of the Public Acts of 1994, and
5 section 8202 as amended by Act No. 233 of the Public Acts of

1 1992, being sections 600.304, 600.555, 600.821, 600.822, and
2 600.8202 of the Michigan Compiled Laws, are amended and section
3 556 is added to read as follows:

4 Sec. 304. (1) ~~Each~~ UNTIL JANUARY 1, 1997, EACH judge of
5 the court of appeals shall receive an annual salary equal to 96%
6 of the annual salary of a justice of the supreme court of this
7 state. ~~effective January 1, 1982. However, an~~ EFFECTIVE
8 JANUARY 1, 1997, EACH JUDGE OF THE COURT OF APPEALS SHALL RECEIVE
9 AN ANNUAL SALARY EQUAL TO 94% OF THE ANNUAL SALARY OF A JUSTICE
10 OF THE SUPREME COURT OF THIS STATE, OR \$114,007.00, WHICHEVER IS
11 GREATER.

12 (2) AN increase in the amount of salary payable to a judge
13 of the court of appeals caused by an increase in the salary of a
14 justice of the supreme court resulting from the operation of Act
15 No. 357 of the Public Acts of 1968, ~~as amended,~~ being sections
16 15.211 to 15.218 of the Michigan Compiled Laws, ~~after the effec-~~
17 ~~tive date of subsection (3),~~ 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
20 in 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) ~~(2)~~ The judges shall be reimbursed for their actual
25 and necessary expenses from the state treasury, upon the warrant
26 of the state treasurer.

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

4 Sec. 555. (1) ~~Each~~ EXCEPT AS PROVIDED IN SUBSECTIONS (4)
5 AND (5), EACH circuit judge shall receive an annual salary pay-
6 able by the state in an amount ~~provided by law~~ EQUAL TO 55% OF
7 THE SALARY OF A JUSTICE OF THE SUPREME COURT. The county boards
8 of commissioners in their discretion may vote to pay the circuit
9 judge or judges of their respective counties a salary in addition
10 to the amount of the state salary.

11 (2) Except as provided in subsections (3) ~~and (4)~~ TO (5),
12 AND UNTIL JANUARY 1, 1997, the state shall reimburse to a county
13 paying an additional salary to a circuit judge ~~a portion~~
14 \$38,397.00 of that additional salary ~~in an amount provided by~~
15 ~~law~~ FOR CALENDAR YEAR 1995, AND \$39,549.00 OF THAT ADDITIONAL
16 SALARY FOR CALENDAR YEAR 1996, unless the additional salary,
17 including any cost-of-living allowance, payable by that county
18 causes the total annual salary of a circuit judge to exceed 92%
19 of the salary of a justice of the supreme court. A COUNTY MAY
20 ADJUST THE RATE OF PAY OF A CIRCUIT JUDGE DURING THE 1995 CALEN-
21 DAR YEAR SO THAT THE TOTAL ANNUALIZED SALARY OF THE JUDGE FOR
22 THAT YEAR DOES NOT EXCEED \$106,075.00.

23 (3) Effective September 1, 1981, AND UNTIL JANUARY 1, 1997,
24 if the county of Wayne pays each circuit judge of the third judi-
25 cial circuit an additional salary equal to at least the differ-
26 ence between 92% of the salary of a justice of the supreme court
27 and the annual salary payable by the state to a circuit judge of

1 the third judicial circuit, the state shall reimburse the county
2 of Wayne, for each circuit judge of the third judicial circuit,
3 an amount equal to that difference. However, if the county pays
4 more than an amount equal to the difference between 92% of the
5 salary of a justice of the supreme court and the annual salary
6 payable by the state to a circuit judge of the third judicial
7 circuit, the state shall not reimburse the county for any addi-
8 tional salary, except as provided in subsection (4).

9 (4) ~~Notwithstanding the limitations of subsection (2) or~~
10 ~~(3), the state shall reimburse a county pursuant to subsection~~
11 ~~(2) or (3), even if the additional salary, including any~~
12 ~~cost of living allowance, payable by that county on the effective~~
13 ~~date of this subsection causes the total annual salary of a cir-~~
14 ~~cuit judge to exceed 92% of the salary of a justice of the~~
15 ~~supreme court payable on the effective date of this subsection.~~
16 ~~However, if the additional salary of a circuit judge increases~~
17 ~~beyond the amount payable to the judge on the effective date of~~
18 ~~this subsection, and if the total annual salary of the judge~~
19 ~~exceeds 92% of the salary of a justice of the supreme court, the~~
20 ~~county shall return to the state any amount paid under subsection~~
21 ~~(2) or (3) during that state fiscal year, and shall be ineligible~~
22 ~~to receive reimbursement under subsection (2) or (3) until the~~
23 ~~total annual salary of the circuit judge does not exceed 92% of~~
24 ~~the salary of the justice of the supreme court.~~ FOR CALENDAR
25 YEAR 1995, THE PORTION OF THE ANNUAL SALARY OF A CIRCUIT JUDGE
26 PAYABLE BY THE STATE IS \$63,412.00.

1 (5) FOR CALENDAR YEAR 1996, THE PORTION OF THE ANNUAL SALARY
2 OF A CIRCUIT JUDGE PAYABLE BY THE STATE IS \$65,314.00, EXCEPT
3 THAT IF A CIRCUIT JUDGE RECEIVED A TOTAL ANNUALIZED SALARY FOR
4 CALENDAR YEAR 1995, INCLUDING COST-OF-LIVING ALLOWANCES, OF MORE
5 THAN \$106,075.00, THE PORTION OF THAT JUDGE'S ANNUAL SALARY PAY-
6 ABLE BY THE STATE SHALL BE \$65,314.00 MINUS THE AMOUNT BY WHICH
7 HIS OR HER TOTAL ANNUALIZED SALARY FOR 1995 EXCEEDED
8 \$106,075.00. FOR CALENDAR YEAR 1996, THE STATE SHALL REIMBURSE
9 TO A COUNTY PAYING AN ADDITIONAL SALARY TO A CIRCUIT JUDGE 90% OF
10 THAT ADDITIONAL SALARY, UNLESS THE ADDITIONAL SALARY, INCLUDING
11 ANY COST-OF-LIVING ALLOWANCE, PAYABLE BY THAT COUNTY CAUSES THE
12 TOTAL ANNUAL SALARY OF A CIRCUIT JUDGE TO EXCEED \$109,257.00.
13 HOWEVER, FOR A COUNTY WHOSE CIRCUIT JUDGE RECEIVED A TOTAL ANNUA-
14 LIZED SALARY FOR CALENDAR YEAR 1995, INCLUDING COST-OF-LIVING
15 ALLOWANCES, THAT EXCEEDED \$106,075.00, THE AMOUNT OF REIMBURSE-
16 MENT TO WHICH THE COUNTY IS OTHERWISE ENTITLED SHALL BE REDUCED
17 BY THE AMOUNT BY WHICH THE JUDGE'S TOTAL ANNUALIZED SALARY FOR
18 CALENDAR YEAR 1995 EXCEEDED \$106,075.00.

19 (6) ~~(5)~~ Each circuit judge who holds court in a county
20 other than the county of his or her residence shall be reimbursed
21 for his or her actual and necessary expenses incurred in holding
22 court. Each circuit judge entitled to the reimbursement shall
23 certify the expenses incurred to the court administrator for
24 allowance. Upon allowance by the administrator, the state trea-
25 surer shall issue a warrant on the state treasury for payment.

26 (7) ~~(6)~~ A circuit judge whose case load is less than other
27 circuit judges may be authorized by the supreme court or state

1 court administrator to assist other courts and perform other
2 judicial duties, for limited periods or specific assignments.
3 This subsection shall not be construed as a directive to the
4 supreme court or state court administrator.

5 SEC. 556. (1) EFFECTIVE JANUARY 1, 1997, THE PORTION OF THE
6 ANNUAL SALARY PAYABLE BY THE STATE FOR A JUDGE OF THE CIRCUIT
7 COURT, DISTRICT COURT, OR THE RECORDER'S COURT FOR THE CITY OF
8 DETROIT SHALL BE AS FOLLOWS:

9 (A) FOR A CIRCUIT JUDGE, 55% OF THE SALARY OF A JUSTICE OF
10 THE SUPREME COURT, OR 60% OF THE AMOUNT SPECIFIED IN SUBSECTION
11 (3)(A)(i), WHICHEVER IS GREATER.

12 (B) FOR A JUDGE OF THE RECORDER'S COURT OF THE CITY OF
13 DETROIT, THE AMOUNT PROVIDED IN ACT NO. 369 OF THE PUBLIC ACTS OF
14 1919, BEING SECTIONS 725.1 TO 725.39 OF THE MICHIGAN COMPILED
15 LAWS.

16 (C) FOR A DISTRICT JUDGE, 57% OF 76% OF THE SALARY OF A JUS-
17 TICE OF THE SUPREME COURT, OR 57% OF THE AMOUNT SPECIFIED IN SUB-
18 SECTION (3)(B)(i), WHICHEVER IS GREATER.

19 (2) EFFECTIVE JANUARY 1, 1997, EACH DISTRICT JUDGE SHALL
20 RECEIVE AN ADDITIONAL SALARY FROM THE DISTRICT CONTROL UNIT THAT,
21 WHEN ADDED TO THE ANNUAL SALARY PAID BY THE STATE UNDER SUBSEC-
22 TION (1), EQUALS THE AMOUNT SPECIFIED IN SUBSECTION (3)(B).

23 (3) EFFECTIVE JANUARY 1, 1997, THE STATE SHALL REIMBURSE TO
24 A FUNDING UNIT PAYING AN ADDITIONAL SALARY TO A JUDGE 100% OF
25 THAT ADDITIONAL SALARY, IF THE ANNUAL SALARY PAID BY THE STATE
26 UNDER SUBSECTION (1) AND THE ADDITIONAL SALARY, INCLUDING ANY
27 COST-OF-LIVING ALLOWANCE, EQUALS THE FOLLOWING AMOUNT:

1 (A) FOR A CIRCUIT JUDGE AND A JUDGE OF THE RECORDER'S COURT
2 OF THE CITY OF DETROIT, THE GREATER OF THE FOLLOWING:

3 (i) 88% OF THE SALARY OF A JUSTICE OF THE SUPREME COURT.

4 (ii) \$109,257.00, PLUS AN ADDITIONAL \$500.00 FOR EACH YEAR
5 IN WHICH THE SALARY OF A SUPREME COURT JUSTICE IS INCREASED BY 3%
6 OR MORE.

7 (B) FOR A DISTRICT JUDGE, THE GREATER OF THE FOLLOWING:

8 (i) 76% OF THE SALARY OF A JUSTICE OF THE SUPREME COURT.

9 (ii) \$104,507.00, PLUS AN ADDITIONAL \$500.00 FOR EACH YEAR
10 IN WHICH THE SALARY OF A SUPREME COURT JUSTICE IS INCREASED BY 3%
11 OR MORE.

12 (4) AN INCREASE IN THE AMOUNT OF SALARY PAYABLE TO A JUDGE
13 UNDER SUBSECTION (1) CAUSED BY AN INCREASE IN THE SALARY PAYABLE
14 TO A JUSTICE OF THE SUPREME COURT RESULTING FROM THE OPERATION OF
15 ACT NO. 357 OF THE PUBLIC ACTS OF 1968, BEING SECTIONS 15.211 TO
16 15.218 OF THE MICHIGAN COMPILED LAWS, SHALL NOT BE EFFECTIVE
17 UNTIL FEBRUARY 1 OF THE YEAR IN WHICH THE INCREASE IN THE SALARY
18 OF A JUSTICE OF THE SUPREME COURT BECOMES EFFECTIVE. IF AN
19 INCREASE IN SALARY BECOMES EFFECTIVE ON FEBRUARY 1 OF A YEAR IN
20 WHICH AN INCREASE IN THE SALARY OF A JUSTICE OF THE SUPREME COURT
21 BECOMES EFFECTIVE, THE INCREASE SHALL BE RETROACTIVE TO JANUARY 1
22 OF THAT YEAR.

23 Sec. 821. (1) The following probate judges shall not engage
24 in the practice of law other than as a judge and shall receive
25 the minimum annual salary provided in subsection (2):

26 (a) A probate judge of a county that is not part of a
27 proposed probate court district described in section 807.

1 (b) The probate judge in each probate court district in
2 which a majority of the electors voting on the question in each
3 county of probate court district has approved or approves cre-
4 ation of the district.

5 (c) A probate judge in a county having a population of
6 15,000 or more, if the county is not part of a probate court dis-
7 trict created pursuant to law.

8 (d) Beginning January 1, 1997, a probate judge in a county
9 having a population of less than 15,000, if the county is not
10 part of a probate court district created pursuant to law.

11 (2) ~~The~~ UNTIL JANUARY 1, 1997, THE minimum annual salary
12 for a probate judge shall equal 90% of the annual salary payable
13 by the state to a circuit judge. ~~Six thousand dollars~~ UNTIL
14 JANUARY 1, 1997, \$6,000.00 of the minimum annual salary provided
15 in this subsection shall be paid by the county, or by the coun-
16 ties comprising a probate court district, and the balance of that
17 minimum annual salary shall be paid by the state as a grant to
18 the county or the counties comprising the probate court
19 district. The county, or the counties comprising the probate
20 court district, shall in turn pay that amount to the probate
21 judge.

22 (3) The salary provided in subsection (2) shall be full com-
23 pensation for all services performed by a probate judge, except
24 as otherwise provided by law. In a probate court district, each
25 county of the district shall contribute to the salary in the same
26 proportion as the population of the county bears to the
27 population of the district.

1 (4) In addition to the salary provided in subsection (2), a
2 probate judge may receive from any county in which the probate
3 judge regularly holds court an additional salary determined by
4 the county board of commissioners. The additional salary may be
5 increased during a term of office but shall not be decreased
6 except to the extent of a general salary reduction in all other
7 branches of government in the county. In a county where an addi-
8 tional salary is granted, it shall be paid at the same rate to
9 all probate judges regularly holding court in the county. ~~The~~
10 UNTIL JANUARY 1, 1997, THE additional salary granted to a probate
11 judge pursuant to this subsection shall not cause the total of
12 the probate judge's total annual salary from state and county
13 funds to exceed 88% of the annual salary of a justice of the
14 supreme court. However, an increase in the amount of salary pay-
15 able to a judge of the probate court caused by an increase in the
16 salary of a justice of the supreme court resulting from the oper-
17 ation of Act No. 357 of the Public Acts of 1968, ~~as amended,~~
18 being sections 15.211 to 15.218 of the Michigan Compiled Laws,
19 after September 1, 1981, shall not be effective until February 1
20 of the year in which the increase in the salary of a justice of
21 the supreme court becomes effective. If an increase in salary
22 becomes effective on February 1 of a year in which an increase in
23 the salary of a justice of the supreme court becomes effective,
24 the increase shall be retroactive to January 1 of that year.

25 (5) Except as provided in subsection (6), AND UNTIL JANUARY
26 1, 1997, the state shall reimburse to a county paying an
27 additional salary to a probate judge ~~a portion~~ \$39,953.00 of

1 that additional salary ~~in an amount provided by law,~~ FOR
2 CALENDAR YEAR 1995, AND \$41,152.00 OF THAT ADDITIONAL SALARY FOR
3 CALENDAR YEAR 1996, unless the additional salary, including any
4 cost-of-living allowance, payable by that county causes the total
5 annual salary of a probate judge to exceed 88% of the salary of a
6 justice of the supreme court. A COUNTY MAY ADJUST THE RATE OF
7 PAY OF A PROBATE JUDGE DURING THE 1995 CALENDAR YEAR SO THAT THE
8 TOTAL ANNUALIZED SALARY OF THE JUDGE FOR THAT YEAR DOES NOT
9 EXCEED \$101,463.00.

10 (6) FOR CALENDAR YEAR 1995, THE PORTION OF THE ANNUAL SALARY
11 OF A PROBATE JUDGE PAYABLE BY THE STATE IS \$51,071.00.

12 (7) FOR CALENDAR YEAR 1996, THE PORTION OF THE ANNUAL SALARY
13 OF A PROBATE JUDGE PAYABLE BY THE STATE IS \$58,783.00, EXCEPT
14 THAT THE PORTION OF THE ANNUAL SALARY PAYABLE BY THE STATE OF A
15 PROBATE JUDGE WHO RECEIVED A TOTAL ANNUALIZED SALARY FOR CALENDAR
16 YEAR 1995, INCLUDING COST-OF-LIVING ALLOWANCES THAT EXCEEDED
17 \$101,463.00, SHALL BE \$58,783.00 MINUS THE AMOUNT BY WHICH HIS OR
18 HER TOTAL ANNUALIZED SALARY FOR 1995 EXCEEDED \$101,463.00. FOR
19 CALENDAR YEAR 1996, THE STATE SHALL REIMBURSE TO A COUNTY PAYING
20 AN ADDITIONAL SALARY TO A PROBATE JUDGE 90% OF THAT ADDITIONAL
21 SALARY, UNLESS THE ADDITIONAL SALARY, INCLUDING ANY
22 COST-OF-LIVING ALLOWANCE, PAYABLE BY THAT COUNTY CAUSES THE TOTAL
23 ANNUAL SALARY OF A PROBATE JUDGE TO EXCEED \$104,507.00. HOWEVER,
24 FOR A COUNTY WHOSE PROBATE JUDGE RECEIVED A TOTAL ANNUALIZED
25 SALARY FOR CALENDAR YEAR 1995 INCLUDING COST-OF-LIVING ALLOWANCES
26 THAT EXCEEDED \$101,463.00, THE AMOUNT OF REIMBURSEMENT TO WHICH
27 THE COUNTY IS OTHERWISE ENTITLED SHALL BE REDUCED BY THE AMOUNT

1 BY WHICH THE JUDGE'S TOTAL ANNUALIZED SALARY FOR 1995 EXCEEDED
2 \$101,463.00.

3 ~~(6) Notwithstanding the limitations of subsection (5), the~~
4 ~~state shall reimburse a county pursuant to subsection (5), even~~
5 ~~if the additional salary, including any cost of living allowance,~~
6 ~~payable by that county on September 1, 1981 causes the total~~
7 ~~annual salary of a probate judge to exceed 88% of the salary of a~~
8 ~~justice of the supreme court payable on September 1, 1981.~~
9 ~~However, if the additional salary of a probate judge increases~~
10 ~~beyond the amount payable to the judge on September 1, 1981, and~~
11 ~~if the total annual salary of the judge exceeds 88% of the salary~~
12 ~~of a justice of the supreme court, the county shall return to the~~
13 ~~state any amount paid under subsection (5) during that state~~
14 ~~fiscal year, and shall be ineligible to receive reimbursement~~
15 ~~under subsection (5) until the total annual salary of the probate~~
16 ~~judge does not exceed 88% of the salary of a justice of the~~
17 ~~supreme court.~~

18 (8) EFFECTIVE JANUARY 1, 1997, THE PORTION OF ANNUAL SALARY
19 OF A PROBATE JUDGE PAYABLE BY THE STATE IS 57% OF 82% OF THE
20 SALARY OF A JUSTICE OF THE SUPREME COURT, OR 57% OF THE AMOUNT
21 SPECIFIED IN SUBSECTION (10)(B), WHICHEVER IS GREATER.

22 (9) EFFECTIVE JANUARY 1, 1997, EACH PROBATE JUDGE SHALL
23 RECEIVE AN ADDITIONAL SALARY FROM THE COUNTY THAT, WHEN ADDED TO
24 THE ANNUAL SALARY PAID BY THE STATE UNDER SUBSECTION (8), EQUALS
25 THE AMOUNT SPECIFIED IN SUBSECTION (10)(B).

26 (10) EFFECTIVE JANUARY 1, 1997, THE STATE SHALL REIMBURSE TO
27 A COUNTY THAT PAYS AN ADDITIONAL SALARY TO A PROBATE JUDGE 100%

1 OF THAT ADDITIONAL SALARY, IF THE ANNUAL SALARY PAID BY THE STATE
2 UNDER SUBSECTION (8) AND THE ADDITIONAL SALARY PAID UNDER SUBSEC-
3 TION (9), INCLUDING ANY COST-OF-LIVING ALLOWANCE, EQUALS THE
4 GREATER OF THE FOLLOWING AMOUNTS:

5 (A) 82% OF THE SALARY OF A JUSTICE OF THE SUPREME COURT.

6 (B) \$104,507.00, PLUS AN ADDITIONAL \$500.00 FOR EACH YEAR IN
7 WHICH THE SALARY OF A SUPREME COURT JUSTICE IS INCREASED BY 3% OR
8 MORE.

9 (11) AN INCREASE IN THE AMOUNT OF SALARY PAYABLE TO A PRO-
10 BATE JUDGE UNDER SUBSECTION (8) CAUSED BY AN INCREASE IN THE
11 SALARY PAYABLE TO A JUSTICE OF THE SUPREME COURT RESULTING FROM
12 THE OPERATION OF ACT NO. 357 OF THE PUBLIC ACTS OF 1968, BEING
13 SECTIONS 15.211 TO 15.218 OF THE MICHIGAN COMPILED LAWS, SHALL
14 NOT BE EFFECTIVE UNTIL FEBRUARY 1 OF THE YEAR IN WHICH THE
15 INCREASE IN THE SALARY OF A JUSTICE OF THE SUPREME COURT BECOMES
16 EFFECTIVE. IF AN INCREASE IN SALARY BECOMES EFFECTIVE ON
17 FEBRUARY 1 OF A YEAR IN WHICH AN INCREASE IN THE SALARY OF A JUS-
18 TICE OF THE SUPREME COURT BECOMES EFFECTIVE, THE INCREASE SHALL
19 BE RETROACTIVE TO JANUARY 1 OF THAT YEAR.

20 Sec. 822. (1) Except as provided in section 821, probate
21 judges of a county comprising part of a proposed probate court
22 district in which the electors of 1 or more counties thereof did
23 not approve the same shall receive an annual salary which shall
24 be based upon the population of the county and payable as
25 follows:

26 (a) For counties having a population of less than 10,000,
27 \$9,000.00, 1/2 to be paid by the state and 1/2 by the county.

1 (b) For counties having a population of 10,000 or more but
2 less than 15,000, \$10,000.00, 1/2 to be paid by the state and 1/2
3 by the county.

4 (c) For counties having a population of 15,000 or more but
5 less than 23,000, \$15,000.00, 60% to be paid by the state and 40%
6 by the county, through December 31, 1978; and beginning January
7 1, 1979 through December 31, 1980, \$18,000.00, 2/3 to be paid by
8 the state and 1/3 by the county.

9 (d) For counties having a population of 23,000 or more but
10 less than 25,000, \$15,000.00, 60% to be paid by the state and 40%
11 by the county, through December 31, 1978.

12 (2) The annual salary provided in subsection (1) may be
13 increased but shall not be decreased during the term for which
14 those probate judges have been elected or appointed as a result
15 of a new census. This salary shall be in full compensation for
16 all services performed by them as probate judges, except as oth-
17 erwise provided by law. A probate judge whose annual salary is
18 provided in subsection (1) shall not represent a party in a con-
19 tested 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 any county in which he or she reg-
22 ularly holds court an additional salary of not more than
23 \$43,000.00, as determined by the county board of commissioners.
24 The additional salary may be increased during a term of office
25 but shall not be decreased except to the extent of a general
26 salary reduction in all other branches of government in the
27 county. In any county where an additional salary is granted,

1 that salary shall be paid at the same rate to all probate judges
2 regularly holding court therein.

3 (4) The total annual salary of a probate judge, including
4 the salary provided in subsection (1) and any additional salary
5 granted by the county under subsection (3), shall not exceed the
6 following:

7 (a) For a probate judge of a county described in
8 subsection (1)(a), \$52,000.00.

9 (b) For a probate judge of a county described in
10 subsection (1)(b), \$53,000.00.

11 (5) FROM FUNDS APPROPRIATED TO THE JUDICIARY, THE STATE
12 SHALL PAY TO A COUNTY DESCRIBED IN SUBSECTION (1) A STATE SALARY
13 STANDARDIZATION PAYMENT OF \$5,750.00 FOR EACH PROBATE JUDGE.

14 Sec. 8202. (1) ~~—A—~~ EXCEPT AS PROVIDED IN SUBSECTION (11),
15 AND UNTIL JANUARY 1, 1997, A district judge shall receive an
16 annual salary payable by this state equal to 90% of the annual
17 salary payable by this state to a circuit judge.

18 (2) ~~—In—~~ UNTIL JANUARY 1, 1997, IN addition to the salary
19 received from this state, a district judge may receive from a
20 district control unit in which the judge regularly holds court an
21 additional salary as determined by the governing legislative body
22 of the district control unit. Supplemental salaries paid by a
23 district control unit shall be uniform as to all judges who regu-
24 larly hold court in the district control unit. ~~—In—~~ UNTIL
25 JANUARY 1, 1997, IN the thirty-sixth district each district judge
26 shall receive an additional salary that, when added to the annual
27 salary paid by the state under subsection (1), equals 88% of the

1 annual salary of a justice of the supreme court. ~~The~~ UNTIL
2 JANUARY 1, 1997, THE total annual additional salary paid to a
3 district court judge by the district control units in which the
4 judge regularly holds court shall not cause the district judge's
5 total annual salary received from state and district control unit
6 funds to exceed 88% of the annual salary of a justice of the
7 supreme court. However, an increase in the amount of salary pay-
8 able to a judge of the district court caused by an increase in
9 the salary of a justice of the supreme court resulting from the
10 operation of Act No. 357 of the Public Acts of 1968, ~~as~~
11 ~~amended,~~ being sections 15.211 to 15.218 of the Michigan
12 Compiled Laws, after September 1, 1981, shall not be effective
13 until February 1 of the year in which the increase in the salary
14 of a justice of the supreme court becomes effective. If an
15 increase in salary becomes effective on February 1 of a year in
16 which an increase in the salary of a justice of the supreme court
17 becomes effective, the increase shall be retroactive to January 1
18 of that year. A DISTRICT CONTROL UNIT MAY ADJUST THE RATE OF PAY
19 OF A DISTRICT JUDGE DURING THE 1995 CALENDAR YEAR SO THAT THE
20 TOTAL ANNUALIZED SALARY OF THE JUDGE FOR THAT YEAR DOES NOT
21 EXCEED \$101,463.00.

22 (3) A district judge who holds court in a county other than
23 the county of the judge's residence shall be reimbursed for his
24 or her actual and necessary expenses incurred in holding court
25 upon certification and approval by the court administrator. Upon
26 certification of the judge's expenses, the sum shall be paid out

1 of the state treasury pursuant to the accounting laws of this
2 state.

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

7 (5) Except as provided in subsection (6), the supreme court,
8 by rule, may establish civil and criminal trial divisions within
9 the district court. The rules shall provide for the rotation of
10 judges among the trial divisions.

11 (6) The judges of the district court for the thirty-sixth
12 district shall establish functional divisions of the court that
13 are necessary for the effective administration of justice within
14 the district. As ordered by the chief judge of the district,
15 judges of that district shall be rotated among the functional
16 divisions of the court established pursuant to this subsection.

17 (7) A judge of the district court is eligible to be a member
18 of the Michigan judges retirement system created by the judges
19 retirement act of 1992, ACT NO. 234 OF THE PUBLIC ACTS OF 1992,
20 BEING SECTIONS 38.2101 TO 38.2608 OF THE MICHIGAN COMPILED LAWS.

21 (8) The district court in a district may hold evening and
22 Saturday sessions.

23 (9) ~~Except as provided in subsection (10), this~~ THE state
24 shall reimburse to a district control unit paying an additional
25 salary to a district judge ~~a portion~~ \$39,953.00 of that addi-
26 tional salary ~~in an amount provided by law,~~ FOR CALENDAR YEAR
27 1995, AND \$41,152.00 OF THAT ADDITIONAL SALARY FOR CALENDAR YEAR

1 1996, unless the additional salary, including any cost-of-living
2 allowance, payable by that district control unit causes the total
3 annual salary of a district judge to exceed the applicable per-
4 centage of the salary of a justice of the supreme court.

5 ~~(10) Notwithstanding the limitations of subsection (9), the~~
6 ~~state shall reimburse a district control unit pursuant to subsec-~~
7 ~~tion (9), even if the additional salary, including any~~
8 ~~cost of living allowance, payable by that district control unit~~
9 ~~on September 1, 1981 causes the total annual salary of a district~~
10 ~~judge to exceed the applicable percentage of the salary of a jus-~~
11 ~~tice of the supreme court payable on September 1, 1981. However,~~
12 ~~if the additional salary of a district judge increases beyond the~~
13 ~~amount payable to the judge on September 1, 1981, and if the~~
14 ~~total annual salary of the judge exceeds the applicable percen-~~
15 ~~tage of the salary of a justice of the supreme court, the dis-~~
16 ~~trict control unit shall return to the state any amount paid~~
17 ~~under subsection (9) during that state fiscal year, and shall be~~
18 ~~ineligible to receive reimbursement under subsection (9) until~~
19 ~~the total annual salary of the district judge does not exceed the~~
20 ~~applicable percentage of the salary of the justice of the supreme~~
21 ~~court.~~ FOR CALENDAR YEAR 1995, THE PORTION OF THE ANNUAL SALARY
22 OF A DISTRICT JUDGE PAYABLE BY THE STATE IS \$57,071.00.

23 (11) FOR CALENDAR YEAR 1996, THE PORTION OF THE ANNUAL
24 SALARY OF A DISTRICT JUDGE PAYABLE BY THE STATE IS \$58,783.00,
25 EXCEPT THAT IF A DISTRICT JUDGE RECEIVED A TOTAL ANNUALIZED
26 SALARY FOR CALENDAR YEAR 1995, INCLUDING COST-OF-LIVING
27 ALLOWANCES, OF MORE THAN \$101,463.00, THE PORTION OF THAT JUDGE'S

1 ANNUAL SALARY PAYABLE BY THE STATE SHALL BE \$58,783.00 MINUS THE
2 AMOUNT BY WHICH HIS OR HER TOTAL ANNUALIZED SALARY FOR 1995
3 EXCEEDED \$101,463.00. FOR CALENDAR YEAR 1996, THE STATE SHALL
4 REIMBURSE TO A DISTRICT CONTROL UNIT PAYING AN ADDITIONAL SALARY
5 TO A DISTRICT JUDGE \$41,152.00 OF THAT ADDITIONAL SALARY, UNLESS
6 THE ADDITIONAL SALARY, INCLUDING ANY COST-OF-LIVING ALLOWANCE,
7 PAYABLE BY THAT DISTRICT CONTROL UNIT CAUSES THE TOTAL ANNUAL
8 SALARY OF A DISTRICT JUDGE TO EXCEED \$104,507.00. HOWEVER, FOR A
9 DISTRICT CONTROL UNIT WHOSE DISTRICT JUDGE RECEIVED A TOTAL ANNU-
10 ALIZED SALARY FOR CALENDAR YEAR 1995 INCLUDING COST-OF-LIVING
11 ALLOWANCES THAT EXCEEDED \$101,463.00, THE AMOUNT OF REIMBURSEMENT
12 TO WHICH THE DISTRICT CONTROL UNIT IS OTHERWISE ENTITLED SHALL BE
13 REDUCED BY THE AMOUNT BY WHICH THE JUDGE'S TOTAL ANNUALIZED
14 SALARY FOR 1995 EXCEEDED \$101,463.00.

15 Section 2. The following acts and parts of acts are
16 repealed:

17 (a) Sections 601, 602, and 603 of Act No. 288 of the Public
18 Acts of 1994.

19 (b) Sections 301, 302, 303, 303a, and 303b of Act No. 301 of
20 the Public Acts of 1995.