

SENATE BILL NO. 766

February 04, 2020, Introduced by Senators IRWIN, RUNESTAD, THEIS, WOJNO, DALEY, VICTORY, LAUWERS, LUCIDO, GEISS, CHANG, SCHMIDT, JOHNSON, ALEXANDER, MCMORROW, VANDERWALL, BULLOCK, BARRETT, 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 555 (MCL 600.555), as amended by 2016 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 555. (1) ~~Each~~ **Subject to subsection (5), each** circuit
2 judge shall receive an annual salary payable by the state as
3 calculated under this section and may receive from any county in
4 which he or she regularly holds court an additional salary as

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

5 (2) Each circuit judge shall receive an annual salary
6 calculated as follows:

7 (a) An annual salary payable by the state that is the
8 difference between 85% of the salary of a justice of the supreme
9 court as of December 31, 2015 and \$45,724.00.

10 (b) In addition to the amount calculated under subdivision
11 (a), a salary payable by the county or counties of the judicial
12 circuit. The state shall reimburse to a county or counties paying
13 an additional salary to a circuit judge \$45,724.00, if the total
14 additional salary, including any cost-of-living allowance, payable
15 by that county or counties to a circuit judge is neither less than
16 nor more than \$45,724.00. If the county or counties pay a circuit
17 judge less than or more than \$45,724.00, the county or counties are
18 not entitled to reimbursement from the state under this subsection.

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

1 paid to civil service nonexclusively represented employees
2 classified as executives and administrators if the effective date
3 of the increase was before January 1, 2016.

4 (3) Each circuit judge who holds court in a county other than
5 the county of his or her residence shall be reimbursed for his or
6 her actual and necessary expenses incurred in holding court. Each
7 circuit judge entitled to the reimbursement shall certify the
8 expenses incurred to the court administrator for allowance. Upon
9 allowance by the administrator, the state treasurer shall issue a
10 warrant on the state treasury for payment.

11 (4) A circuit judge whose case load is less than other circuit
12 judges may be authorized by the supreme court or state court
13 administrator to assist other courts and perform other judicial
14 duties for limited periods or specific assignments. This subsection
15 ~~shall is not be construed as a~~ directive to the supreme court or
16 state court administrator.

17 (5) **If a circuit judge is charged with a felony and as a**
18 **result his or her docket is removed or he or she is suspended from**
19 **acting as a circuit judge, the portion of the salary of that**
20 **circuit judge that accumulates during the time the docket of the**
21 **circuit judge is removed or the circuit judge is suspended must be**
22 **held in escrow by the state court administrative office pending the**
23 **outcome of the criminal proceeding. If the circuit judge is**
24 **convicted of the felony, the money held in escrow under this**
25 **subsection must be released to the state and to the county or**
26 **counties that contributed the salary. If the circuit judge is found**
27 **not guilty of the felony or if the felony charge is dismissed, the**
28 **money held in escrow under this subsection must be released to the**
29 **circuit judge on his or her reinstatement.**

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