

Act No. 358
Public Acts of 1990
Became law without Governor's signature
Filed with the Secretary of State
December 26, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Griffin, Trim and Hoekman

ENROLLED HOUSE BILL No. 6297

AN ACT to amend sections 571 and 592 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," section 592 as added by Act No. 438 of the Public Acts of 1980, being sections 600.571 and 600.592 of the Michigan Compiled Laws; and to add section 571a.

The People of the State of Michigan enact:

Section 1. Sections 571 and 592 of Act No. 236 of the Public Acts of 1961, section 592 as added by Act No. 438 of the Public Acts of 1980, being sections 600.571 and 600.592 of the Michigan Compiled Laws, are amended and section 571a is added to read as follows:

Sec. 571. The county clerk of each county shall do all of the following:

- (a) Be the clerk of the circuit court for the county.
- (b) Attend the circuit court sessions.
- (c) Appoint in counties with more than 1 circuit judge or having a population of more than 100,000 but less than 1,000,000 a deputy for each judge and approved by the judge to attend the court sessions. Each deputy shall receive a salary of at least \$6,500.00.
- (d) On the first day of each court term, render an accounting to the court of all funds, stocks, or securities deposited with the court clerk pursuant to court order.
- (e) Within 10 days after the beginning of each court term, pay over to the county treasurer all fees belonging to the county received during the preceding court term together with an accounting of the fees.
- (f) Have the care and custody of all the records, seals, books, and papers pertaining to the office of the clerk of the court filed or deposited with the office, and shall provide books or other record-keeping systems for entering the proceedings in the court, and shall enter those proceedings in the form and style the court prescribes.
- (g) Perform the duties prescribed by court rule. If, in a statute of this state, the designation "register in chancery" occurs, it applies to the clerk of the circuit court.

Sec. 571a. (1) In each judicial circuit except the third judicial circuit, court clerk services shall be provided by employees who are under the supervision and control of the clerk of the circuit court in the judicial circuit. If standards for the delivery of court clerk services in the judicial circuit do not exist on the effective date of this section, the clerk of the circuit court and the chief or only judge of the circuit shall develop those standards. The clerk of the circuit court and the chief or only judge of the circuit may propose and agree to modify the standards for delivery of court clerk services. If the clerk of the circuit court and the chief or only judge of the circuit do not develop the standards within 90 days after the effective date of this section, or cannot agree to modify the standards within 90 days after a proposal to modify the standards made by either of them, the clerk of the circuit court, the chief or only judge of the circuit, and the state court administrator shall develop, modify, or retain the standards.

(2) The requirements of subsection (1) do not abrogate, diminish, or impair existing or future collective bargaining agreements between the county and the employees providing the court clerk services, or infringe upon the constitutional responsibility of the county clerk to supervise the employees of the county providing the court clerk services.

(3) As used in this section, "court clerk services" means any activity related to the processing of or record keeping in a case filed in the circuit court in the judicial circuit.

Sec. 592. (1) Except as otherwise provided by law, the executive chief judge of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit shall appoint the employees of the state judicial council serving in the circuit court in the third judicial circuit except for a judge's secretary, if any, or a judge's law clerk, if any.

(2) The executive chief judge of the circuit court in the third judicial circuit and the recorder's court shall fix the compensation of the employees of the state judicial council serving in the circuit court in the third judicial circuit within appropriations provided by the state.

(3) Compensation of employees of the state judicial council serving in the circuit court in the third judicial circuit shall be paid by the state.

(4) Employees of the state judicial council serving in the circuit court in the third judicial circuit are subject to the control of the judge holding court when performing services in the courtroom.

(5) The exercise of the duties and authority enumerated in this section are subject to personnel policies and procedures established by the state judicial council pursuant to section 9104, and the employee rights, privileges, and protections specified in section 593.

(6) As used in subsections (7), (8), and (9), "court clerk services" means any activity related to the processing of or record keeping in a case filed in the circuit court in the third judicial circuit.

(7) In the third judicial circuit, court clerk services shall be provided by employees of the county of Wayne or the state who are under the supervision and control of the county clerk who is the clerk of the circuit court in the third judicial circuit. The county clerk and the chief judge of the circuit court in the third judicial circuit shall develop or propose and agree to modify standards for the delivery of court clerk services in the third judicial circuit. If the clerk of the circuit court and the chief judge of the third judicial circuit cannot agree to modify the standards for the delivery of court clerk services within 90 days of a proposal to modify the standards made by either of them, the clerk of the circuit court in the third judicial circuit, the chief judge of the third judicial circuit, and the state court administrator shall modify or retain the standards.

(8) The state shall reimburse the county of Wayne for the court clerk services provided pursuant to subsection (7). The amount of reimbursement shall be based on rates of compensation equal to the salary and fringe benefits which would be paid by the state judicial council to employees of the council in a comparable job classification if such employees were hired pursuant to section 9105(e). Reimbursement shall be made pursuant to a quarterly certification signed by both the chief judge and the county clerk.

(9) The requirements of subsections (7) and (8) do not abrogate, diminish, or impair existing or future collective bargaining agreements between the county and the employees providing the court clerk services, or infringe upon the constitutional responsibility of the county clerk to supervise the employees of the county providing the court clerk services.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 85th Legislature are enacted into law:

- (a) House Bill No. 6298.
- (b) House Bill No. 4808.
- (c) House Bill No. 4809.
- (d) House Bill No. 4811.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.

