

HOUSE BILL No. 4088

February 7, 1989, Introduced by Reps. Joe Young, Sr., Joe Young, Jr., Kilpatrick, Watkins, Wallace, Gire and Gubow and referred to the Committee on Judiciary.

A bill to amend sections 2529, 2530, and 2530a of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 2529 as amended by Act No. 310 of the Public Acts of 1988, section 2530 as added by Act No. 297 of the Public Acts of 1982, and section 2530a as amended by Act No. 278 of the Public Acts of 1984, being sections 600.2529, 600.2530, and 600.2530a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2529, 2530, and 2530a of Act No. 236 of
2 the Public Acts of 1961, section 2529 as amended by Act No. 310
3 of the Public Acts of 1988, section 2530 as added by Act No. 297
4 of the Public Acts of 1982, and section 2530a as amended by Act
5 No. 278 of the Public Acts of 1984, being sections 600.2529,

1 600.2530, and 600.2530a of the Michigan Compiled Laws, are
2 amended to read as follows:

3 Sec. 2529. (1) In the circuit court in a county having a
4 population of 100,000 or more BUT LESS THAN 1,500,000, the fol-
5 lowing fees shall be paid to the clerk of the court:

6 (a) Before a civil action is commenced, or before the filing
7 of an application for superintending control or for an extraordi-
8 nary writ, except the writ of habeas corpus, the moving party
9 shall pay the sum of \$42.00. The clerk at the end of each month
10 shall transmit for each \$42.00 collected within the month, \$18.75
11 to the executive secretary of the judges' retirement system for
12 remittal pursuant to section 2530a; \$5.00 to the secretary of the
13 legislative retirement system for deposit with the state trea-
14 surer in the MEMBERS' retirement fund created by THE MICHIGAN
15 LEGISLATIVE RETIREMENT SYSTEM ACT, Act No. 261 of the Public Acts
16 of 1957, as amended, being sections 38.1001 to 38.1060 of the
17 Michigan Compiled Laws; \$5.25 to the state treasurer for deposit
18 in the general fund; \$2.00 to the state treasurer to be credited
19 to the community dispute resolution fund created by the community
20 dispute resolution act, ACT NO. 260 OF THE PUBLIC ACTS OF 1988,
21 BEING SECTIONS 691.1551 TO 691.1564 OF THE MICHIGAN COMPILED
22 LAWS; and the balance of the filing fee to the county treasurer.

23 (b) Before the filing and entering of a transcript, claim of
24 appeal, or motion for leave to appeal from the district court or
25 a municipal court, the sum of \$5.00.

26 (c) For each trial without a jury, the plaintiff shall pay
27 the sum of \$15.00. ~~Where~~ IF a trial by jury is demanded, the

1 party making the demand at the time shall pay the sum of \$30.00.
2 Failure to pay the fee within the time provided in the court
3 rules constitutes a waiver of the right to a jury trial. The sum
4 shall be taxed in favor of the party paying the fee, ~~in case~~ IF
5 the party recovers a judgment for costs.

6 (d) Before entry of a final judgment by default in pleading
7 in an action without a jury or by consent without trial, ~~or~~ the
8 entry of a judgment against a garnishee defendant upon a district
9 or municipal court transcript, or the entry of a judgment on an
10 award from a board or referee upon whose award the law permits
11 the entry of judgment, the sum of \$10.00.

12 (e) Before entry of a final judgment in an action where
13 trial has been had, or where a jury is called to render a verdict
14 upon default in pleading, the sum of \$10.00.

15 (f) In addition to the judgment fee provided in subdivision
16 (d) or (e), before entry of a final judgment in an action for
17 divorce or separate maintenance where minor children are
18 involved, or the entry of a final judgment in a child custody
19 dispute submitted to the circuit court as an original action, 1
20 of the following sums, which shall be deposited by the county
21 treasurer as provided in section 2530:

22 (i) If the matter was contested or uncontested and was not
23 submitted to domestic relations mediation or investigation by the
24 friend of the court, \$30.00.

25 (ii) If the matter was contested or uncontested and was sub-
26 mitted to domestic relations mediation, \$50.00.

1 (iii) If the matter was contested or uncontested and the
2 office of the friend of the court conducted an investigation and
3 made a recommendation to the court, \$70.00.

4 (g) Upon the filing of a motion, the sum of \$10.00.

5 (h) If causes of action are consolidated or tried simulta-
6 neously and separate judgments rendered, the sum of \$10.00 on the
7 entry of each judgment.

8 (i) For services relative to the receipt, safekeeping, or
9 putting out of money, or the purchasing, taking, or transferring
10 of a security, or the collecting of interest on a security, under
11 the direction of the court, not specifically provided in this
12 section, the clerk shall receive the allowance and compensation,
13 from the parties as the court may consider just and shall direct
14 by an order, after notice to the parties to be charged.

15 (j) Upon appeal to the supreme court, the sum of \$20.00.

16 (2) IN THE CIRCUIT COURT IN A COUNTY HAVING A POPULATION OF
17 1,500,000 OR MORE THE FOLLOWING FEES SHALL BE PAID TO THE CLERK
18 OF THE COURT:

19 (A) BEFORE A CIVIL ACTION IS COMMENCED, OR BEFORE THE FILING
20 OF AN APPLICATION FOR SUPERINTENDING CONTROL OR FOR AN EXTRAORDI-
21 NARY WRIT, EXCEPT THE WRIT OF HABEAS CORPUS, THE MOVING PARTY
22 SHALL PAY THE SUM OF \$102.00. THE CLERK AT THE END OF EACH MONTH
23 SHALL TRANSMIT FOR EACH \$102.00 COLLECTED WITHIN THE MONTH,
24 \$18.75 TO THE EXECUTIVE SECRETARY OF THE JUDGES' RETIREMENT
25 SYSTEM FOR REMITTAL PURSUANT TO SECTION 2530A; \$5.00 TO THE SEC-
26 RETARY OF THE LEGISLATIVE RETIREMENT SYSTEM FOR DEPOSIT WITH THE
27 STATE TREASURER IN THE MEMBERS' RETIREMENT FUND CREATED BY ACT

1 NO. 261 OF THE PUBLIC ACTS OF 1957; \$5.25 TO THE STATE TREASURER
2 FOR DEPOSIT IN THE GENERAL FUND; \$2.00 TO THE STATE TREASURER TO
3 BE CREDITED TO THE COMMUNITY DISPUTE RESOLUTION FUND CREATED BY
4 ACT NO. 260 OF THE PUBLIC ACTS OF 1988; AND THE BALANCE OF THE
5 FILING FEE TO THE COUNTY TREASURER.

6 (B) BEFORE THE FILING AND ENTERING OF A TRANSCRIPT, CLAIM OF
7 APPEAL, OR MOTION FOR LEAVE TO APPEAL FROM THE DISTRICT COURT OR
8 A MUNICIPAL COURT, THE SUM OF \$5.00.

9 (C) FOR EACH TRIAL WITHOUT A JURY, THE PLAINTIFF SHALL PAY
10 THE SUM OF \$15.00. IF A TRIAL BY JURY IS DEMANDED, THE PARTY
11 MAKING THE DEMAND AT THE TIME SHALL PAY THE SUM OF \$30.00.
12 FAILURE TO PAY THE FEE WITHIN THE TIME PROVIDED IN THE COURT
13 RULES CONSTITUTES A WAIVER OF THE RIGHT TO A JURY TRIAL. THE SUM
14 SHALL BE TAXED IN FAVOR OF THE PARTY PAYING THE FEE, IF THE PARTY
15 RECOVERS A JUDGMENT FOR COSTS.

16 (D) BEFORE ENTRY OF A FINAL JUDGMENT BY DEFAULT IN PLEADING
17 IN AN ACTION WITHOUT A JURY OR BY CONSENT WITHOUT TRIAL, THE
18 ENTRY OF A JUDGMENT AGAINST A GARNISHEE DEFENDANT UPON A DISTRICT
19 OR MUNICIPAL COURT TRANSCRIPT, OR THE ENTRY OF A JUDGMENT ON AN
20 AWARD FROM A BOARD OR REFEREE UPON WHOSE AWARD THE LAW PERMITS
21 THE ENTRY OF JUDGMENT, THE SUM OF \$10.00.

22 (E) BEFORE ENTRY OF A FINAL JUDGMENT IN AN ACTION WHERE
23 TRIAL HAS BEEN HAD, OR WHERE A JURY IS CALLED TO RENDER A VERDICT
24 UPON DEFAULT IN PLEADING, THE SUM OF \$10.00.

25 (F) IN ADDITION TO THE JUDGMENT FEE PROVIDED IN SUBDIVISION
26 (D) OR (E), BEFORE ENTRY OF A FINAL JUDGMENT IN AN ACTION FOR
27 DIVORCE OR SEPARATE MAINTENANCE WHERE MINOR CHILDREN ARE

1 INVOLVED, OR THE ENTRY OF A FINAL JUDGMENT IN A CHILD CUSTODY
2 DISPUTE SUBMITTED TO THE CIRCUIT COURT AS AN ORIGINAL ACTION, 1
3 OF THE FOLLOWING SUMS, WHICH SHALL BE DEPOSITED BY THE COUNTY
4 TREASURER AS PROVIDED IN SECTION 2530:

5 (i) IF THE MATTER WAS CONTESTED OR UNCONTESTED AND WAS NOT
6 SUBMITTED TO DOMESTIC RELATIONS MEDIATION OR INVESTIGATION BY THE
7 FRIEND OF THE COURT, \$30.00.

8 (ii) IF THE MATTER WAS CONTESTED OR UNCONTESTED AND WAS SUB-
9 MITTED TO DOMESTIC RELATIONS MEDIATION, \$50.00.

10 (iii) IF THE MATTER WAS CONTESTED OR UNCONTESTED AND THE
11 OFFICE OF THE FRIEND OF THE COURT CONDUCTED AN INVESTIGATION AND
12 MADE A RECOMMENDATION TO THE COURT, \$70.00.

13 (G) UPON THE FILING OF A MOTION, THE SUM OF \$10.00.

14 (H) IF CAUSES OF ACTION ARE CONSOLIDATED OR TRIED SIMULTA-
15 NEOUSLY AND SEPARATE JUDGMENTS RENDERED, THE SUM OF \$10.00 ON THE
16 ENTRY OF EACH JUDGMENT.

17 (I) FOR SERVICES RELATIVE TO THE RECEIPT, SAFEKEEPING, OR
18 PUTTING OUT OF MONEY, OR THE PURCHASING, TAKING, OR TRANSFERRING
19 OF A SECURITY, OR THE COLLECTING OF INTEREST ON A SECURITY, UNDER
20 THE DIRECTION OF THE COURT, NOT SPECIFICALLY PROVIDED IN THIS
21 SECTION, THE CLERK SHALL RECEIVE THE ALLOWANCE AND COMPENSATION,
22 FROM THE PARTIES AS THE COURT MAY CONSIDER JUST AND SHALL DIRECT
23 BY AN ORDER, AFTER NOTICE TO THE PARTIES TO BE CHARGED.

24 (J) UPON APPEAL TO THE SUPREME COURT, THE SUM OF \$20.00.

25 (3) ~~-(2)-~~ The sums paid as provided in this section shall be
26 held to be in full for all clerk, entry, and judgment fees in an
27 action from the commencement of the action to and including the

1 issuance and return of the execution or other final process, and
2 are taxable as costs.

3 (4) ~~-(3)-~~ Except as otherwise provided in this section, the
4 fees shall be paid over to the county treasurer as required by
5 law.

6 (5) ~~-(4)-~~ The court may order any of the fees prescribed in
7 this section waived or suspended until the conclusion of the
8 litigation, upon a showing by affidavit of indigency or inability
9 to pay.

10 (6) ~~-(5)-~~ After January 1, 1993 the filing fee UNDER SUBSEC-
11 TION (1)(A) shall be \$40.00, THE FILING FEE UNDER SUBSECTION
12 (2)(A) SHALL BE \$100.00, and the state treasurer shall not credit
13 \$2.00 to the community dispute resolution fund.

14 Sec. 2530. (1) Except in ~~any~~ A judicial circuit in which
15 employees serving in the circuit court are employees of the state
16 judicial council, the county treasurer shall deposit all fees
17 collected under sections 2528(1)(f) and 2529(1)(f) AND (2)(F) in
18 a fund created for that purpose to be known as the friend of the
19 court fund. The county board of commissioners shall appropriate
20 all sums in this fund, and additionally shall annually appropri-
21 ate from the county general fund an amount not less than the
22 total amount appropriated for the office of the friend of the
23 court in the county's last fiscal year ending before ~~the effec-~~
24 ~~tive date of this section~~ JULY 1, 1983, for the purpose of ful-
25 filling the statutory obligations of the friend of the court as
26 provided in the friend of the court act, ACT NO. 294 OF THE
27 PUBLIC ACTS OF 1982, BEING SECTIONS 552.201 TO 552.535 OF THE

1 MICHIGAN COMPILED LAWS, and the support and visitation
2 enforcement act, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING
3 SECTIONS 552.601 TO 552.650 OF THE MICHIGAN COMPILED LAWS.

4 (2) In ~~any~~ A judicial circuit in which employees serving
5 in the circuit court are employees of the state judicial council,
6 the county treasurer shall remit all sums collected under section
7 2529(1)(f) AND (2)(F) to the state, as provided in section
8 595(4). Pursuant to section 595(1), the legislature annually
9 shall appropriate the amount received under this subsection for
10 the purpose of fulfilling the statutory obligations of the friend
11 of the court in the third judicial circuit as provided in the
12 friend of the court act, ACT NO. 294 OF THE PUBLIC ACTS OF 1982,
13 and the support and visitation enforcement act, ACT NO. 295 OF
14 THE PUBLIC ACTS OF 1982.

15 Sec. 2530a. Revenue received by the executive secretary of
16 the judges' retirement system during any fiscal year pursuant to
17 sections 2528(1)(a), 2529(1)(a) AND (2)(A), 5756(3), 8371(2), and
18 8420(1) shall first be remitted to the state treasurer, for
19 deposit in the annuity reserve fund created by THE JUDGES'
20 RETIREMENT ACT, Act No. 198 of the Public Acts of 1951, being
21 sections 38.801 to 38.831 of the Michigan Compiled Laws, in the
22 amount needed in addition to other publicly financed contribu-
23 tions to sustain the required level of publicly financed contri-
24 butions, as determined by the most recent actuarial valuation
25 available at the beginning of the applicable fiscal year, and
26 shall then be remitted to the extent of any residual balance to
27 the state treasurer for expenditure for state financed trial

1 courts. The amount to be remitted to the judges' retirement
2 system between January 1, 1983, and September 30, 1983, shall be
3 based upon the total of state-paid salaries of members of the
4 judges' retirement system for that 9-month period.

5 Section 2. This amendatory act shall take effect January 1,
6 1990.