

HOUSE BILL No. 6297

November 14, 1990, Introduced by Reps. Griffin, Trim and Hoekman and referred to the Committee on Judiciary.

A bill to amend sections 567, 571, and 592 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

section 567 as amended and section 592 as added by Act No. 438 of the Public Acts of 1980, being sections 600.567, 600.571, and 600.592 of the Michigan Compiled Laws; and to add section 571a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 567, 571, and 592 of Act No. 236 of the
2 Public Acts of 1961, section 567 as amended and section 592 as
3 added by Act No. 438 of the Public Acts of 1980, being sections
4 600.567, 600.571, and 600.592 of the Michigan Compiled Laws, are
5 amended and section 571a is added to read as follows:

6 Sec. 567. (1) ~~Effective September 1, 1981, the executive~~
7 ~~committee of the circuit court in the third judicial circuit and~~
8 ~~the recorder's court of the city of Detroit, by a majority vote~~

~~1 of the members of the committee, shall select an~~ AN executive
2 court administrator for the circuit court in the third judicial
3 circuit and the recorder's court ~~jointly to~~ OF THE CITY OF
4 DETROIT SHALL BE DESIGNATED AS FOLLOWS:

5 (A) IF THE EXECUTIVE CHIEF JUDGE IS A JUDGE OF THE THIRD
6 JUDICIAL CIRCUIT, THE EXECUTIVE COURT ADMINISTRATOR IS THE COURT
7 ADMINISTRATOR FOR THE THIRD JUDICIAL DISTRICT.

8 (B) IF THE EXECUTIVE CHIEF JUDGE IS A JUDGE OF THE
9 RECORDER'S COURT, THE EXECUTIVE COURT ADMINISTRATOR IS THE COURT
10 ADMINISTRATOR FOR THE RECORDER'S COURT.

11 (2) THE EXECUTIVE COURT ADMINISTRATOR SHALL perform the
12 administrative duties prescribed by the executive chief judge.

13 (3) ~~(2)~~ The compensation of the executive court adminis-
14 trator shall be fixed in the same manner as provided in sections
15 592 and 9104 for employees of the state judicial council serving
16 in the circuit court in the third judicial circuit and the
17 recorder's court.

18 (4) ~~(3)~~ The executive court administrator shall serve con-
19 temporaneously with the executive ~~committee of the combined~~
20 ~~courts for a term of not more than 2 years, or until his or her~~
21 ~~successor is selected. An executive court administrator may~~
22 ~~serve for successive terms. The executive court administrator~~
23 ~~may be removed by the executive committee at any time~~ CHIEF
24 JUDGE.

25 Sec. 571. (1) The county clerk of each county shall DO ALL
26 OF THE FOLLOWING:

1 (a) Be the clerk of the circuit court for the county.

2 (b) Attend the circuit court sessions.

3 (c) Appoint in counties with more than 1 circuit judge or
4 having A POPULATION OF more than 100,000 ~~population~~ but less
5 than 1,000,000 a deputy for each judge and approved by the judge
6 to attend the court sessions. Each deputy shall receive a salary
7 of at least \$6,500.00.

8 (d) On the first day of each court term, render an account-
9 ing to the court of all funds, stocks, or securities deposited
10 with the court clerk pursuant to court order.

11 (e) Within 10 days after the beginning of each court term,
12 pay over to the county treasurer all fees belonging to the county
13 received during the preceding court term together with an
14 accounting ~~thereof~~ OF THE FEES.

15 (f) Have the care and custody of all the records, seals,
16 books, and papers pertaining to the office of the clerk of ~~such~~
17 THE court ~~, and~~ filed or deposited ~~therein~~ WITH THE OFFICE,
18 and shall provide ~~such~~ books for entering the proceedings in
19 ~~said~~ THE court, as the judge ~~thereof shall direct~~ OF THE
20 COURT DIRECTS.

21 (g) Perform ~~such~~ THE duties ~~as may be~~ prescribed by
22 court rule. ~~Whenever~~ IF, in ~~any~~ A statute of this state, the
23 designation "register in chancery" occurs, it ~~shall be deemed to~~
24 ~~apply~~ APPLIES to the clerk of the circuit court.

25 (2) IN EACH JUDICIAL CIRCUIT, THE CLERK OF THE CIRCUIT COURT
26 OR HIS OR HER DESIGNEE IS THE COURT ADMINISTRATOR FOR THE CIRCUIT
27 COURT.

1 SEC. 571A. (1) IN EACH JUDICIAL CIRCUIT EXCEPT THE THIRD
2 JUDICIAL CIRCUIT, COURT CLERK SERVICES SHALL BE PROVIDED BY
3 EMPLOYEES OF THE COUNTY IN WHICH THE COURT IS LOCATED WHO ARE
4 UNDER THE SUPERVISION AND CONTROL OF THE CLERK OF THE CIRCUIT
5 COURT IN THE JUDICIAL CIRCUIT. THE CLERK OF THE CIRCUIT COURT
6 AND THE CHIEF OR ONLY JUDGE OF THE CIRCUIT SHALL DEVELOP STAND-
7 DARDS FOR THE DELIVERY OF COURT CLERK SERVICES IN THE JUDICIAL
8 CIRCUIT. IF THE CLERK OF THE CIRCUIT COURT AND THE CHIEF OR ONLY
9 JUDGE DO NOT DEVELOP STANDARDS WITHIN 90 DAYS OF THE EFFECTIVE
10 DATE OF THIS SECTION, THE CLERK OF THE CIRCUIT COURT AND THE
11 STATE COURT ADMINISTRATOR'S OFFICE SHALL DEVELOP THE STANDARDS.

12 (2) THE REQUIREMENTS OF SUBSECTION (1) DO NOT ABROGATE,
13 DIMINISH, OR IMPAIR EXISTING OR FUTURE COLLECTIVE BARGAINING
14 AGREEMENTS BETWEEN THE COUNTY OR THE STATE AND THE EMPLOYEES OF
15 THE COUNTY PROVIDING THE COURT CLERK SERVICES, OR INFRINGE UPON
16 THE CONSTITUTIONAL RESPONSIBILITY OF THE COUNTY CLERK TO SUPER-
17 VISE THE EMPLOYEES OF THE COUNTY PROVIDING THE COURT CLERK
18 SERVICES.

19 (3) AS USED IN THIS SECTION, "COURT CLERK SERVICES" MEANS
20 ANY ACTIVITY RELATED TO THE PROCESSING OF OR RECORD KEEPING IN A
21 CASE FILED IN THE CIRCUIT COURT IN THE JUDICIAL CIRCUIT AND ANY
22 ADMINISTRATIVE FUNCTION OF THE CIRCUIT COURT.

23 Sec. 592. (1) Except as otherwise provided by law, the
24 executive chief judge of the circuit court in the third judicial
25 circuit and the recorder's court of the city of Detroit shall
26 appoint the employees of the state judicial council serving in

1 the circuit court in the third judicial circuit except for a
2 judge's secretary, if any, or a judge's law clerk, if any.

3 (2) The executive chief judge of the circuit court in the
4 third judicial circuit and the recorder's court shall fix the
5 compensation of the employees of the state judicial council serv-
6 ing in the circuit court in the third judicial circuit within
7 appropriations provided by the state.

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

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

5 (5) The exercise of the duties and authority enumerated in
6 this section shall be subject to personnel policies and proce-
7 dures established by the state judicial council pursuant to sec-
8 tion 9104, and the employee rights, privileges, and protections
9 specified in section 593.

10 (6) As used in subsections (7), (8), and (9), "court clerk
11 services" means any activity related to the processing of or
12 record keeping in a case filed in the circuit court in the third
13 judicial circuit AND ANY ADMINISTRATIVE FUNCTION OF THE COURT.

14 (7) In the third judicial circuit, court clerk services
15 shall be provided by employees of the county of Wayne who are
16 under the supervision and control of the county clerk who is the
17 clerk of the circuit court in the third judicial circuit. The

1 county clerk and the chief judge of the circuit court in the
2 third judicial circuit shall develop standards for the delivery
3 of court clerk services in the third judicial circuit.

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

13 (9) The requirements of subsections (7) and (8) ~~shall~~ DO
14 not abrogate, diminish, or impair existing or future collective
15 bargaining agreements between the county and the employees of the
16 county providing the court clerk services, or infringe upon the
17 constitutional responsibility of the county clerk to supervise
18 the employees of the county providing the court clerk services.

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

22 (a) Senate Bill No. _____ or House Bill No. 6298 (request
23 no. 06256'90 a).

24 (b) House Bill No. 4808.

25 (c) House Bill No. 4809.

26 (d) House Bill No. 4811.