

HOUSE BILL No. 4234

February 12, 1991, Introduced by Rep. Griffin and referred to the Committee on Judiciary.

A bill to amend sections 571 and 592 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act 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; and to add section 571a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 Sec. 571. The county clerk of each county shall DO ALL OF
7 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 OR OTHER RECORD-KEEPING SYSTEMS
19 for entering the proceedings in ~~said~~ THE court, ~~as the judge~~
20 ~~thereof shall direct~~ AND SHALL ENTER THOSE PROCEEDINGS IN THE
21 FORM AND STYLE THE COURT PRESCRIBES.

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

26 SEC. 571A. (1) IN EACH JUDICIAL CIRCUIT EXCEPT THE THIRD
27 JUDICIAL CIRCUIT, COURT CLERK SERVICES SHALL BE PROVIDED BY

1 EMPLOYEES WHO ARE UNDER THE SUPERVISION AND CONTROL OF THE CLERK
2 OF THE CIRCUIT COURT IN THE JUDICIAL CIRCUIT. IF STANDARDS FOR
3 THE DELIVERY OF COURT CLERK SERVICES IN THE JUDICIAL CIRCUIT DO
4 NOT EXIST ON THE EFFECTIVE DATE OF THIS SECTION, THE CLERK OF THE
5 CIRCUIT COURT AND THE CHIEF OR ONLY JUDGE OF THE CIRCUIT SHALL
6 DEVELOP THOSE STANDARDS.. THE CLERK OF THE CIRCUIT COURT AND THE
7 CHIEF OR ONLY JUDGE OF THE CIRCUIT MAY PROPOSE AND AGREE TO
8 MODIFY THE STANDARDS FOR DELIVERY OF COURT CLERK SERVICES. IF
9 THE CLERK OF THE CIRCUIT COURT AND THE CHIEF OR ONLY JUDGE OF THE
10 CIRCUIT DO NOT DEVELOP THE STANDARDS WITHIN 90 DAYS AFTER THE
11 EFFECTIVE DATE OF THIS SECTION, OR CANNOT AGREE TO MODIFY THE
12 STANDARDS WITHIN 90 DAYS AFTER A PROPOSAL TO MODIFY THE STANDARDS
13 MADE BY EITHER OF THEM, THE CLERK OF THE CIRCUIT COURT, THE CHIEF
14 OR ONLY JUDGE OF THE CIRCUIT, AND THE STATE COURT ADMINISTRATOR
15 SHALL DEVELOP, MODIFY, OR RETAIN THE STANDARDS.

16 (2) THE REQUIREMENTS OF SUBSECTION (1) DO NOT ABROGATE,
17 DIMINISH, OR IMPAIR EXISTING OR FUTURE COLLECTIVE BARGAINING
18 AGREEMENTS BETWEEN THE COUNTY AND THE EMPLOYEES PROVIDING THE
19 COURT CLERK SERVICES, OR INFRINGE UPON THE CONSTITUTIONAL RESPON-
20 SIBILITY OF THE COUNTY CLERK TO SUPERVISE THE EMPLOYEES OF THE
21 COUNTY PROVIDING THE COURT CLERK SERVICES.

22 (3) AS USED IN THIS SECTION, "COURT CLERK SERVICES" MEANS
23 ANY ACTIVITY RELATED TO THE PROCESSING OF OR RECORD KEEPING IN A
24 CASE FILED IN THE CIRCUIT COURT IN THE JUDICIAL CIRCUIT.

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

1 appoint the employees of the state judicial council serving in
2 the circuit court in the third judicial circuit except for a
3 judge's secretary, if any, or a judge's law clerk, if any.

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

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

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

16 (5) The exercise of the duties and authority enumerated in
17 this section ~~shall be~~ ARE subject to personnel policies and
18 procedures established by the state judicial council pursuant to
19 section 9104, and the employee rights, privileges, and protec-
20 tions specified in section 593.

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

25 (7) In the third judicial circuit, court clerk services
26 shall be provided by employees of the county of Wayne OR THE
27 STATE who are under the supervision and control of the county

1 clerk who is the clerk of the circuit court in the third judicial
2 circuit. The county clerk and the chief judge of the circuit
3 court in the third judicial circuit shall develop OR PROPOSE AND
4 AGREE TO MODIFY standards for the delivery of court clerk serv-
5 ices in the third judicial circuit. IF THE CLERK OF THE CIRCUIT
6 COURT AND THE CHIEF JUDGE OF THE THIRD JUDICIAL CIRCUIT CANNOT
7 AGREE TO MODIFY THE STANDARDS FOR THE DELIVERY OF COURT CLERK
8 SERVICES WITHIN 90 DAYS OF A PROPOSAL TO MODIFY THE STANDARDS
9 MADE BY EITHER OF THEM, THE CLERK OF THE CIRCUIT COURT IN THE
10 THIRD JUDICIAL CIRCUIT, THE CHIEF JUDGE OF THE THIRD JUDICIAL
11 CIRCUIT, AND THE STATE COURT ADMINISTRATOR SHALL MODIFY OR RETAIN
12 THE STANDARDS.

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

22 (9) The requirements of subsections (7) and (8) ~~shall~~ DO
23 not abrogate, diminish, or impair existing or future collective
24 bargaining agreements between the county and the employees ~~of~~
25 ~~the county~~ providing the court clerk services, or infringe upon
26 the constitutional responsibility of the county clerk to

1 supervise the employees of the county providing the court clerk
2 services.