

HOUSE BILL No. 4328

February 19, 1991, Introduced by Reps. Joe Young, Sr., DeMars, Perry Bullard, Hunter, Clack, Stallworth, Harrison, Dobronski and Joe Young, Jr. 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~~ AT the end of each
10 month, THE CLERK shall transmit for each \$42.00 collected within
11 the month, \$18.75 to the executive secretary of the judges'
12 retirement system for remittal pursuant to section 2530a; \$5.00
13 to the secretary of the legislative retirement system for deposit
14 with the state treasurer in the MEMBERS' retirement fund created
15 by THE MICHIGAN LEGISLATIVE RETIREMENT SYSTEM ACT, Act No. 261 of
16 the Public Acts of 1957, as amended, being sections 38.1001 to
17 38.1060 of the Michigan Compiled Laws; \$5.25 to the state trea-
18 surer for deposit in the general fund; \$2.00 to the state trea-
19 surer to be credited to the community dispute resolution fund
20 created by the community dispute resolution act, ACT NO. 260 OF
21 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF
22 THE MICHIGAN COMPILED LAWS; and the balance of the filing fee to
23 the county treasurer.

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

1 (c) For each trial without a jury, the plaintiff shall pay
2 the sum of \$15.00. ~~where~~ IF a trial by jury is demanded, the
3 party making the demand at the time shall pay the sum of \$30.00.
4 Failure to pay the fee within the time provided in the court
5 rules constitutes a waiver of the right to a jury trial. The sum
6 shall be taxed in favor of the party paying the fee, ~~in case~~ IF
7 the party recovers a judgment for costs.

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

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

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

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

1 (ii) If the matter was contested or uncontested and was
2 submitted to domestic relations mediation, \$50.00.

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

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

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

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

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

18 (2) IN THE CIRCUIT COURT IN A COUNTY HAVING A POPULATION OF
19 1,500,000 OR MORE THE FOLLOWING FEES SHALL BE PAID TO THE CLERK
20 OF THE COURT:

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

1 SECRETARY OF THE LEGISLATIVE RETIREMENT SYSTEM FOR DEPOSIT WITH
2 THE STATE TREASURER IN THE MEMBERS' RETIREMENT FUND CREATED BY
3 ACT NO. 261 OF THE PUBLIC ACTS OF 1957; \$5.25 TO THE STATE TREA-
4 SURER FOR DEPOSIT IN THE GENERAL FUND; \$2.00 TO THE STATE TREA-
5 SURER TO BE CREDITED TO THE COMMUNITY DISPUTE RESOLUTION FUND
6 CREATED BY ACT NO. 260 OF THE PUBLIC ACTS OF 1988; AND THE BAL-
7 ANCE OF THE FILING FEE TO THE COUNTY TREASURER.

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

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

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

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

1 (F) IN ADDITION TO THE JUDGMENT FEE PROVIDED IN SUBDIVISION
2 (D) OR (E), BEFORE ENTRY OF A FINAL JUDGMENT IN AN ACTION FOR
3 DIVORCE OR SEPARATE MAINTENANCE WHERE MINOR CHILDREN ARE
4 INVOLVED, OR THE ENTRY OF A FINAL JUDGMENT IN A CHILD CUSTODY
5 DISPUTE SUBMITTED TO THE CIRCUIT COURT AS AN ORIGINAL ACTION, 1
6 OF THE FOLLOWING SUMS, WHICH SHALL BE DEPOSITED BY THE COUNTY
7 TREASURER AS PROVIDED IN SECTION 2530:

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

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

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

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

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

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

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

2 (3) ~~-(2)-~~ The sums paid as provided in this section shall be
3 held to be in full for all clerk, entry, and judgment fees in an
4 action from the commencement of the action to and including the
5 issuance and return of the execution or other final process, and
6 are taxable as costs.

7 (4) ~~-(3)-~~ Except as otherwise provided in this section, the
8 fees shall be paid over to the county treasurer as required by
9 law.

10 (5) ~~-(4)-~~ The court may order any of the fees prescribed in
11 this section waived or suspended until the conclusion of the
12 litigation, upon a showing by affidavit of indigency or inability
13 to pay.

14 (6) ~~-(5)-~~ After January 1, 1993 the filing fee UNDER SUBSEC-
15 TION (1)(A) shall be \$40.00, THE FILING FEE UNDER SUBSECTION
16 (2)(A) SHALL BE \$100.00, and the state treasurer shall not credit
17 \$2.00 to the community dispute resolution fund.

18 Sec. 2530. (1) Except in ~~any~~ A judicial circuit in which
19 employees serving in the circuit court are employees of the state
20 judicial council, the county treasurer shall deposit all fees
21 collected under sections 2528(1)(f) and 2529(1)(f) AND (2)(F) in
22 a fund created for that purpose to be known as the friend of the
23 court fund. The county board of commissioners shall appropriate
24 all sums in this fund, and additionally shall annually appropri-
25 ate from the county general fund an amount not less than the
26 total amount appropriated for the office of the friend of the
27 court in the county's last fiscal year ending before ~~the~~

1 ~~effective date of this section~~ JULY 1, 1983, for the purpose of
2 fulfilling the statutory obligations of the friend of the court
3 as provided in the friend of the court act, ACT NO. 294 OF THE
4 PUBLIC ACTS OF 1982, BEING SECTIONS 552.201 TO 552.535 OF THE
5 MICHIGAN COMPILED LAWS, and the support and visitation enforce-
6 ment act, ACT NO. 295 OF THE PUBLIC ACTS OF 1982, BEING SECTIONS
7 552.601 TO 552.650 OF THE MICHIGAN COMPILED LAWS.

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

19 Sec. 2530a. Revenue received by the executive secretary of
20 the judges' retirement system during any fiscal year pursuant to
21 sections 2528(1)(a), 2529(1)(a) AND (2)(A), 5756(3), 8371(2), and
22 8420(1) shall first be remitted to the state treasurer, for
23 deposit in the annuity reserve fund created by THE JUDGES'
24 RETIREMENT ACT, Act No. 198 of the Public Acts of 1951, being
25 sections 38.801 to 38.831 of the Michigan Compiled Laws, in the
26 amount needed in addition to other publicly financed
27 contributions to sustain the required level of publicly financed

1 contributions, as determined by the most recent actuarial
2 valuation available at the beginning of the applicable fiscal
3 year, and shall then be remitted to the extent of any residual
4 balance to the state treasurer for expenditure for state financed
5 trial courts. The amount to be remitted to the judges' retire-
6 ment system between January 1, 1983, and September 30, 1983,
7 shall be based upon the total of state-paid salaries of members
8 of the judges' retirement system for that 9-month period.

9 Section 2. This amendatory act shall take effect January 1,
10 1992.