

SENATE BILL No. 893

December 4, 2001, Introduced by Senator MC COTTER and referred to the Committee on Government Operations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 2123, 2558, 6458, and 6461 (MCL 600.2123,
600.2558, 600.6458, and 600.6461), section 2558 as amended by
1996 PA 214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2123. Copies of all papers, documents, maps, plats,
2 entries, or records filed with the board of control of the Saint
3 Mary's Falls ship canal, or entered in the records of the pro-
4 ceedings of ~~said~~ THE board of control, certified by the
5 ~~auditor general~~ STATE TREASURER of this state to be a true
6 transcript compared by ~~him~~ THE STATE TREASURER with the origi-
7 nal in the office of ~~said~~ THE board of control, shall be
8 evidence in all courts and proceedings in like manner and to the
9 same extent as the original would be if produced.

1 Sec. 2558. (1) The sheriff is entitled to the fees provided
2 in this section and section 2559.

3 (2) The following fees of the sheriff are allowed:

4 (a) For taking a bond if the sheriff is authorized to take
5 the bond, \$1.50; for a certified copy of the bond, if requested,
6 \$1.00.

7 (b) For every certificate on the sale of real estate, \$1.50;
8 and for each copy of the certificate, \$1.50, which, together with
9 the register's fee for filing the certificate, shall be collected
10 as other fees on execution.

11 (c) For taking a bond for the liberties of the jail, \$1.50.

12 (d) For summoning a jury upon a writ of inquiry, attending
13 the jury, and making and returning the inquisition, \$5.00.

14 (e) For summoning a jury pursuant to any precept or summons
15 of any officer ~~if~~ IN any special proceeding, \$5.00, and for
16 attending the jury when required, \$5.00.

17 (f) For bringing up a prisoner upon habeas corpus, \$3.00,
18 and for traveling each mile from the jail, 15 cents; for attend-
19 ing any court with that prisoner, \$5.00 per day, plus actual nec-
20 essary expenses.

21 (g) For attending before any officer with a prisoner for the
22 purpose of having the prisoner surrendered in exoneration of his
23 or her bail, or FOR attending to receive a prisoner so surren-
24 dered, who was not committed at the time, and receiving that
25 prisoner into the sheriff's custody, in either case, \$15.00.

26 (h) For attending a view, when ordered by the court, \$15.00
27 per day, including the time occupied in going and returning.

1 (i) For making and returning an inventory and appraisal to
2 the appraisers, \$10.00 for each day actually employed, and \$5.00
3 for each half day. The court, by rule, may adjust a schedule
4 fixing THE amount of appraisal fees if the court considers the
5 statutory fee to be inadequate.

6 (j) For drafting an inventory, \$1.25 for each page and for
7 copying the inventory, 10 cents for each page.

8 (k) For giving notice for general or special election to the
9 inspectors of the different townships and wards of the county,
10 \$1.00 for each township or ward, and the expenses of publishing
11 the notices required by law, those fees and expenses to be paid
12 by the county, as other contingent expenses of the election.

13 (l) For attending the supreme court by the order of the
14 court, \$10.00 for each day, to be allowed by the ~~auditor~~
15 ~~general~~ STATE TREASURER on the certificate of the clerk, and
16 paid out of the state treasury, not taxable as costs.

17 (m) For attending the circuit court, by the order of the
18 court, \$15.00 for each day, except in the county of Wayne; not
19 taxable as costs. In the county of Wayne there shall be paid to
20 the deputy sheriffs in actual attendance on the circuit court in
21 the county such compensation as shall be fixed by the board of
22 commissioners in accordance with the county uniform salary plan
23 to be allowed and paid as other contingent charges of the county
24 are paid; the number of deputies shall not exceed 2 for each
25 judge of the third judicial circuit.

1 (n) For summoning grand or petit jurors to attend the
2 circuit court, \$2.00 for each juror summoned, not taxable as
3 costs.

4 (o) For keeping and providing for a debtor in jail where the
5 debtor is unable to support himself or herself, \$1.00 for each
6 day or such sum as shall be fixed by the board of commissioners,
7 to be paid by the creditor each week, in advance, and which sum
8 the creditor shall be entitled to recover from the debtor.

9 (p) For posting notices on property for foreclosure sales,
10 ~~-\$14.00~~ \$16.00 for each posting, plus mileage.

11 (q) For selling lands on the foreclosure of a mortgage by
12 advertisement; and executing a deed to the purchaser and for all
13 services required on that sale, \$50.00.

14 (r) For each adjournment of the sale of land on the foreclo-
15 sure of a mortgage by advertisement, \$8.00.

16 (s) For serving notice of a person claiming title under a
17 tax deed, in person and by mail, ~~-\$14.00~~ \$16.00 plus mileage.

18 ~~-(3) Each of the fees prescribed in subsection (2)(p) and~~
19 ~~(s) shall increase to \$15.00 on October 1, 1996, and to \$16.00 on~~
20 ~~October 1, 1997.~~

21 (3) ~~-(4)~~ Mileage allowed under subsection (2) shall be com-
22 puted in the same manner as provided for process served out of
23 the circuit court under section 2559(3).

24 (4) ~~-(5)~~ Any sheriff or other officer who demands or
25 receives any greater fees or compensation for performing any of
26 the services mentioned in this section than as allowed by this
27 section, shall, in addition to all other liabilities now provided

1 by law, be liable to the party injured, for paying the illegal
 2 fees, in 3 times the amount so demanded, received, or paid,
 3 together with all costs of the action.

4 (5) ~~-(6)-~~ Any sheriff or other officer who neglects or
 5 refuses any of the services required by law, after the fees spec-
 6 ified have been tendered, shall be liable to the party injured
 7 for all damages which the party sustains by reason of that
 8 neglect or refusal.

9 Sec. 6458. (1) In rendering any judgment against the state,
 10 or any department, commission, board, institution, arm, or
 11 agency, ~~thereof,~~ the court shall determine and specify in
 12 ~~such~~ THAT judgment the department, commission, board, institu-
 13 tion, arm, or agency from whose appropriation ~~such~~ THAT judg-
 14 ment shall be paid.

15 (2) Upon any judgment against the state or any department,
 16 commission, board, institution, arm, or agency ~~thereof~~ becoming
 17 final, or upon allowance of any claim by the state administrative
 18 board and upon certification ~~thereof~~ by the secretary of the
 19 state administrative board to the clerk of the court of claims,
 20 ~~he,~~ the clerk of the court shall certify to the ~~auditor~~
 21 ~~general~~ STATE TREASURER the fact that ~~such~~ THAT judgment was
 22 entered or that ~~such~~ THE claim was allowed and the ~~same~~ CLAIM
 23 shall thereupon be paid from the unencumbered appropriation of
 24 the department, commission, board, institution, arm, or agency
 25 ~~:- Provided, however, That the auditor general~~ IF THE STATE
 26 TREASURER determines the ~~funds therein are~~ UNENCUMBERED
 27 APPROPRIATION IS sufficient for ~~such~~ THE payment. In the event

1 that funds are not available to pay ~~any such~~ THE judgment or
2 allowed claim, the ~~auditor general~~ STATE TREASURER shall
3 instruct the clerk of the court of claims to issue a voucher
4 against an appropriation made by the legislature for the payment
5 of judgment claims and allowed claims. In the event that funds
6 are not available to pay ~~any such~~ THE judgment or allowed
7 claim, ~~such~~ THAT fact, together with the name of the claimant,
8 date of judgment, date of allowance of claim by the state admin-
9 istrative board and amount ~~thereof~~ shall be reported to the
10 legislature at its next session, and ~~said~~ THE judgment or
11 allowed claim shall be paid as soon as ~~moneys are~~ MONEY IS
12 available for ~~such~~ THAT purpose. The clerk shall not certify
13 any judgment to the ~~auditor general~~ STATE TREASURER until the
14 period for appeal from ~~such~~ THAT judgment shall have expired,
15 unless written stipulation between the attorney general and the
16 claimant or his OR HER attorney, waiving any right of appeal or
17 new trial, is filed with the clerk of the court.

18 (3) The clerk shall approve vouchers under the direction of
19 the court for the payment of the several judgments rendered by
20 ~~said~~ THE court. All warrants issued in satisfaction of ~~said~~
21 THOSE judgments shall be transmitted to the clerk for distribu-
22 tion; and all warrants issued in satisfaction of claims allowed
23 by the state administrative board shall be transmitted to the
24 secretary of ~~said~~ THE STATE ADMINISTRATIVE board for
25 distribution.

26 Sec. 6461. (1) At the commencement of each session of the
27 legislature and at such other times during the session as he OR

1 SHE may ~~deem~~ CONSIDER proper, the clerk of the court shall
2 report to the legislature the claims upon which the court has
3 finally acted, with a statement of the judgment rendered in each
4 case.

5 (2) The clerk shall submit a detailed statement of the
6 amount of each claim allowed by the court to the ~~auditor~~
7 ~~general~~ STATE TREASURER and the budget director.