**SALARIES IN LIEU OF FEES**
**Act 237 of 1919**

AN ACT to authorize the payment of salaries to sheriffs, under-sheriffs and deputy sheriffs and to county clerks, county treasurers and registers of deeds and their deputies, and to make the same in lieu of fees.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—Am. 1921, Act 193, Eff. Aug. 18, 1921.

*The People of the State of Michigan enact:*

### 45.401 Salaries of county officers; determination; exception; change in compensation.

Sec. 1. (1) The county board of commissioners of each county in this state may direct the payment to the sheriff, under-sheriff, and deputy sheriffs and to the county clerk, county treasurer, register of deeds, and their deputies out of the general fund in the treasury of the county, salaries as the board considers proper. The salaries may be fixed and determined by the county board of commissioners at its annual meeting held in October before the commencement of the terms of the officers. The salaries shall be compensation in full for all services performed by the sheriff, under-sheriff, and deputy sheriffs and by the county clerk, county treasurer, register of deeds, and their deputies. However, this section shall not apply to a county now operating under a local or special act, until the local or special act is repealed.

(2) Notwithstanding subsection (1), for a county which has a county officers compensation commission, the compensation of each nonjudicial elected officer of the county shall be determined by that commission. A change in compensation for those officers of a county which has a county officers compensation commission shall commence at the beginning of the first odd numbered year after the determination is made by the county officers compensation commission and is not rejected.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—Am. 1921, Act 193, Eff. Aug. 18, 1921;—CL 1929, 1346;—Am. 1931, Act 60, Eff. Sept. 18, 1931;—Am. 1931, Act 202, Eff. Sept. 18, 1931;—CL 1948, 45.401;—Am. 1978, Act 486, Imd. Eff. Dec. 1, 1978.

### 45.402 County officers; statement of fees collected, disposition, receipts.

Sec. 2. The sheriff, under-sheriff and deputy sheriffs and the county clerks, county treasurers and registers of deeds and their deputies who receive a salary shall collect and make itemized statements of all fees required by law for the service of any process other than that of the county, and of all other fees collected by them which said fees shall be paid by them when collected to the county treasurer, on or before the last day of each month taking duplicate receipts therefor.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—Am. 1921, Act 193, Eff. Aug. 18, 1921;—CL 1929, 1347;—CL 1948, 45.402.

### 45.403 Salaries of county officers; payment, condition.

Sec. 3. The salaries aforesaid shall be paid monthly by the county treasurer, upon a warrant issued by the county clerk, but not until an itemized statement of all fees collected and paid over to the county treasurer, as aforesaid, has been sworn to and filed with the county treasurer and duplicate of the receipt thereof filed with the county clerk.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—CL 1929, 1348;—CL 1948, 45.403.

### 45.404 Accounting of money received by county treasurer.

Sec. 4. All money received by the county treasurer by virtue of this act shall be credited to the general fund of the county.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—CL 1929, 1349;—CL 1948, 45.404.

### 45.405 Sheriffs; appointment of under-sheriff and deputies; contracts for board of prisoners; office supplies, claims of salaried officers for expenses, hearing.

Sec. 5. The sheriff shall appoint an under-sheriff and may, in his discretion, appoint such deputy sheriffs as may be provided for by the board of supervisors. The board of supervisors is also hereby empowered to make contracts with the sheriff for the board and laundry of the prisoners lodged in the county jail: Provided, That the board of supervisors or the board of county auditors in counties having a board of county auditors, as the case may be, shall provide for all printing, stationery, postage, purchase of books, records and other papers and things necessary for the public service; and said board is hereby empowered to hear, determine and allow the claims of the sheriff and his deputies and under-sheriff and of the county clerks, county treasurers and registers of deeds and their deputies who receive a salary by virtue of this act, for any money actually expended by them in pursuance of their official duties, the same as other claims against the county.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—Am. 1921, Act 193, Eff. Aug. 18, 1921;—CL 1929, 1350;—CL 1948, 45.405.


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## 45.406 Sheriff; emergency appointment of additional deputies, compensation; report of expenses, official acts and fees; appointment of deputies to protect private interests.

Sec. 6. In times of emergency the sheriff, upon order of the circuit court for the county, made upon the petition of the sheriff or prosecuting attorney of the county, showing the necessity therefor, may appoint for such day or days as may be required, 1 or more additional deputies, who, for services actually rendered, shall receive an amount as determined by the board of supervisors. Upon completion of his service each deputy so appointed shall make and file with the county treasurer a full and detailed report, including his actual expense account, duly verified, of service rendered and official acts performed during the period of service, of all moneys received in fees, mileage, perquisites, and emoluments on account of such appointment, and at the same time shall pay over to the county treasurer all moneys so received, which shall thereupon become the money of the county. The sheriff may also appoint deputy sheriffs to protect private interests, who shall receive no compensation from the county for services on account of such appointment. Said deputies so appointed may be required by the board of supervisors to file a detailed statement with the county clerk of all their official acts.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—CL 1929, 1351;—CL 1948, 45.406;—Am. 1967, Act 40, Imd. Eff. June 7, 1967.

## 45.407 Sheriff, under-sheriff and deputy sheriff; duties.

Sec. 7. It is hereby provided that this act shall be so construed as to require the sheriff, under-sheriff and deputy sheriffs to perform all reasonable services within the jurisdiction of their offices for which the county may be liable and to serve and execute all civil writs and processes that may be reasonably served and executed by said officers under salary.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—CL 1929, 1352;—CL 1948, 45.407.

## 45.408 Violation of act; penalty.

Sec. 8. If any sheriff, under-sheriff or deputy sheriffs or any county clerk, county treasurer, or register of deeds, or any deputy of any county clerk, county treasurer or register of deeds shall fail to comply with the provisions of this act, they shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not exceeding 500 dollars or by imprisonment in the county jail not exceeding 6 months, or by both such fine and imprisonment in the discretion of the court.

**History:** 1919, Act 237, Eff. Aug. 14, 1919;—Am. 1921, Act 193, Eff. Aug. 18, 1921;—CL 1929, 1353;—CL 1948, 45.408.

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