

# HOUSE BILL No. 5300

November 15, 1989, Introduced by Reps. Richard A. Young, Bennett, DeMars, Johnson and Sparks and referred to the Committee on Judiciary.

A bill to amend section 321 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 274 of the Public Acts of 1986, being section 600.321 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 321 of Act No. 236 of the Public Acts of  
2 1961, as amended by Act No. 274 of the Public Acts of 1986, being  
3 section 600.321 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 321. (1) The following fees shall be paid to the clerk  
6 of the court of appeals, and may be taxed as costs where costs  
7 are allowed by order of the court:

8 (a) The sum of ~~-\$100.00-~~ \$200.00 for an appeal as of right,  
9 for an application for leave to appeal, or for an original

1 proceeding. This fee shall be paid only once for appeals that  
2 are taken by multiple parties from the same lower court order or  
3 judgment and can be consolidated.

4 (b) Upon the entry of any motion upon the motion docket, the  
5 sum of ~~\$25.00~~ \$50.00.

6 (2) The clerk of the court of appeals shall be allowed the  
7 sum of 50 cents per page for certified copies of any entries or  
8 papers in any action or proceedings when required for any other  
9 purpose than one connected with the progress or disposition of  
10 such action or proceeding.

11 (3) The clerk shall charge the sum of 50 cents per page for  
12 all uncertified copies of opinions, excepting those sent to 1  
13 counsel representing each party in the case, for which no charge  
14 shall be made.

15 (4) If a person is unable to pay the fees required by this  
16 section, the person, by motion, accompanied by the person's affi-  
17 davit stating facts showing such inability, may ask the court to  
18 waive the fees and the court or a judge of the court may waive  
19 payment of the fees.

20 (5) Each month the clerk of the court of appeals shall  
21 deposit with the state treasurer all fees collected, securing and  
22 filing a receipt for the fees deposited.

23 (6) Costs shall be awarded in the discretion of the court.

24 (7) Upon appeal to the court of appeals, there shall be paid  
25 to the clerk of the trial court the sum of \$10.00 as an appeal  
26 fee.