

Act No. 429
Public Acts of 2002
Approved by the Governor
June 5, 2002
Filed with the Secretary of State
June 5, 2002
EFFECTIVE DATE: June 5, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senator McCotter

ENROLLED SENATE BILL No. 893

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," 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:

Sec. 2123. Copies of all papers, documents, maps, plats, entries, or records filed with the board of control of the Saint Mary's Falls ship canal, or entered in the records of the proceedings of the board of control, certified by the state treasurer of this state to be a true transcript compared by the state treasurer with the original in the office of the board of control, shall be evidence in all courts and proceedings in like manner and to the same extent as the original would be if produced.

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

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

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

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

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

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

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

(f) For bringing up a prisoner upon habeas corpus, \$3.00, and for traveling each mile from the jail, 15 cents; for attending any court with that prisoner, \$5.00 per day, plus actual necessary expenses.

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

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

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

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

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

(l) For attending the supreme court by the order of the court, \$10.00 for each day, to be allowed by the state treasurer on the certificate of the clerk, and paid out of the state treasury, not taxable as costs.

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

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

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

(p) For posting notices on property for foreclosure sales, \$16.00 for each posting, plus mileage.

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

(r) For each adjournment of the sale of land on the foreclosure of a mortgage by advertisement, \$8.00.

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

(3) Mileage allowed under subsection (2) shall be computed in the same manner as provided for process served out of the circuit court under section 2559(3).

(4) Any sheriff or other officer who demands or receives any greater fees or compensation for performing any of the services mentioned in this section than as allowed by this section, shall, in addition to all other liabilities now provided by law, be liable to the party injured, for paying the illegal fees, in 3 times the amount so demanded, received, or paid, together with all costs of the action.

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

Sec. 6458. (1) In rendering any judgment against the state, or any department, commission, board, institution, arm, or agency, the court shall determine and specify in that judgment the department, commission, board, institution, arm, or agency from whose appropriation that judgment shall be paid.

(2) Upon any judgment against the state or any department, commission, board, institution, arm, or agency becoming final, or upon allowance of any claim by the state administrative board and upon certification by the secretary of the state administrative board to the clerk of the court of claims, the clerk of the court shall certify to the state treasurer the fact that that judgment was entered or that the claim was allowed and the claim shall thereupon be paid from the unencumbered appropriation of the department, commission, board, institution, arm, or agency if the state treasurer determines the unencumbered appropriation is sufficient for the payment. In the event that funds are not available to pay the judgment or allowed claim, the state treasurer shall instruct the clerk of the court of claims to issue a voucher against an appropriation made by the legislature for the payment of judgment claims and allowed claims. In the event that funds are not available to pay the judgment or allowed claim, that fact, together with the name of the claimant, date of judgment, date of allowance of claim by the state administrative board and amount shall be reported to the legislature at its next session, and the judgment or allowed claim shall be paid as soon as money is available for that purpose. The clerk shall not certify any judgment to the state treasurer until the period for appeal from that judgment shall have expired, unless written stipulation between the attorney general and the claimant or his or her attorney, waiving any right of appeal or new trial, is filed with the clerk of the court.

(3) The clerk shall approve vouchers under the direction of the court for the payment of the several judgments rendered by the court. All warrants issued in satisfaction of those judgments shall be transmitted to the clerk for distribution; and all warrants issued in satisfaction of claims allowed by the state administrative board shall be transmitted to the secretary of the state administrative board for distribution.

Sec. 6461. (1) At the commencement of each session of the legislature and at such other times during the session as he or she may consider proper, the clerk of the court shall report to the legislature the claims upon which the court has finally acted, with a statement of the judgment rendered in each case.

(2) The clerk shall submit a detailed statement of the amount of each claim allowed by the court to the state treasurer and the budget director.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Jay E. Randall

Clerk of the House of Representatives.

Approved

.....
Governor.