

HOUSE BILL No. 4501

March 21, 2007, Introduced by Rep. Cushingberry and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321 and 2543 (MCL 600.321 and 600.2543), section 321 as amended by 2005 PA 326 and section 2543 as amended by 2004 PA 328.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321. (1) The following fees shall be paid to the clerk of
2 the court of appeals and may be taxed as costs ~~where~~ **IF** costs are
3 allowed by order of the court:

4 (a) ~~The sum of \$375.00 for~~ **FOR** an appeal as of right, for an
5 application for leave to appeal, or for an original proceeding,
6 **\$415.00**. This fee shall be paid only once for appeals that are
7 taken by multiple parties from the same lower court order or
8 judgment and can be consolidated.

1 (b) Upon the entry of any motion except a motion described in
2 subdivision (c) upon the motion docket, ~~the sum of \$100.00~~ **\$110.00**.
3 ~~Beginning October 1, 2007, the fee required under this subdivision~~
4 ~~is \$75.00.~~

5 (c) Upon the entry of a motion for immediate consideration or
6 a motion to expedite appeal upon the motion docket, ~~the sum of~~
7 ~~\$200.00~~ **\$225.00**. This fee shall be paid only once regardless of the
8 number of lower court files involved in the appeal. A prosecuting
9 attorney is exempt from ~~paying a fee under this~~ subdivision when
10 filing a motion ~~for immediate consideration or a motion to expedite~~
11 ~~appeal~~ with regard to an appeal arising out of a criminal
12 proceeding. ~~Beginning October 1, 2007, the fee required under this~~
13 ~~subdivision is \$150.00.~~

14 (2) The clerk of the court of appeals shall ~~be allowed the sum~~
15 ~~of 50 cents~~ **CHARGE \$1.50** per page for certified copies of entries
16 or papers in any action or proceedings when required for any other
17 purpose than one connected with the progress or disposition of the
18 action or proceeding.

19 (3) The clerk **OF THE COURT OF APPEALS** shall charge ~~the sum of~~
20 ~~50 cents~~ **\$1.50** per page for all uncertified copies of opinions,
21 except those sent to 1 counsel representing each party in the case,
22 for which no charge shall be made.

23 (4) **ON FILING WITH THE SUPREME COURT AN APPLICATION FOR LEAVE**
24 **TO APPEAL A DECISION BY THE COURT OF APPEALS, THE PARTY FILING THE**
25 **APPLICATION SHALL PAY A \$25.00 APPEAL FEE TO THE CLERK OF THE COURT**
26 **OF APPEALS.**

27 (5) ~~(4)~~—If a person is unable to pay the fees required by this

1 section, the person, by motion, accompanied by the person's
2 affidavit stating facts showing that inability, may ask the court
3 to waive the fees and the court or a judge of the court may waive
4 payment of the fees.

5 (6) ~~(5)~~—Each month, the clerk of the court of appeals shall
6 deposit with the state treasurer all fees collected, ~~securing and~~
7 ~~filing~~ **AND OBTAIN AND FILE** a receipt for the fees deposited.

8 (7) ~~(6)~~—Costs shall be awarded in the discretion of the court.

9 Sec. 2543. (1) ~~The~~ **FOR A TRANSCRIPT ORDERED BY ANY PERSON,**
10 **UNLESS A LOWER RATE IS AGREED TO,** circuit court reporters or
11 recorders are entitled to ~~demand and receive per page for a~~
12 ~~transcript ordered by any person the sum of \$1.75~~ **\$2.00** per
13 original page and 30 cents per page for each copy. ~~, unless a lower~~
14 ~~rate is agreed upon.~~ For a transcript ordered by the circuit judge,
15 reporters or recorders are entitled to receive from the county the
16 same compensation. The supreme court, by administrative order or
17 court rule, may authorize the payment to circuit court reporters or
18 recorders ~~the sum of \$3.00~~ per original page and 50 cents per page
19 for each copy for transcripts ordered and timely filed as part of a
20 program of differentiated case management for appeals of civil
21 cases in which the circuit court either grants or denies summary
22 disposition. If a transcript ordered under a program of
23 differentiated case management is not timely filed, the circuit
24 court reporter or recorder is not entitled to receive the increased
25 rate for that transcript.

26 (2) ~~Only if the~~ **IF A** transcript is ~~desired~~ **REQUESTED** for the
27 purpose of moving for a new trial or preparing a record for appeal,

1 ~~shall~~ the amount of reporters' or recorders' fees paid for the
2 transcript ~~be recovered~~ **SHALL BE ALLOWED** as a ~~part of the taxable~~
3 costs of the ~~prevailing party in~~ **WHO PREVAILS ON** the motion, **OR** in
4 the court of appeals or the supreme court.

5 (3) ON OCTOBER 1, 2008 AND ON OCTOBER 1 OF EACH OF THE
6 FOLLOWING 2 YEARS, THE AMOUNTS IN SUBSECTION (1) SHALL BE INCREASED
7 BY 25 CENTS PER ORIGINAL PAGE AND 5 CENTS PER PAGE FOR EACH COPY.

8 (4) ON OCTOBER 1, 2011 AND ON OCTOBER 1 OF EACH OF THE
9 FOLLOWING 2 YEARS, THE STATE TREASURER SHALL ADJUST THE AMOUNTS IN
10 SUBSECTION (1), AS ADJUSTED BY SUBSECTION (3) AND, IF APPLICABLE,
11 THIS SUBSECTION, TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE CHANGE
12 IN THE DETROIT CONSUMER PRICE INDEX AND PUBLISH THE ADJUSTED
13 AMOUNTS. AS USED IN THIS SUBSECTION, "DETROIT CONSUMER PRICE INDEX"
14 MEANS THE MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR
15 THE DETROIT AREA FROM THE UNITED STATES DEPARTMENT OF LABOR, BUREAU
16 OF LABOR STATISTICS.