

HOUSE BILL No. 4332

February 18, 2009, 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 2007 PA 64 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 if costs are allowed
3 by order of the court:

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

9 (b) Upon the entry of any motion except a motion described in

subdivision (c) upon the motion docket, ~~\$100.00~~ **\$110.00**. Beginning
~~October 1, 2012, the fee required under this subdivision is \$75.00.~~

(c) Upon the entry of a motion for immediate consideration or
 a motion to expedite appeal upon the motion docket, ~~\$200.00~~
\$225.00. This fee shall be paid only once regardless of the number
 of lower court files involved in the appeal. A prosecuting attorney
 is exempt from ~~paying a fee under this~~ subdivision with regard to
 an appeal arising out of a criminal proceeding. ~~Beginning October~~
~~1, 2012, the fee required under this subdivision is \$150.00.~~

(2) The clerk of the court of appeals shall charge ~~50 cents~~
\$1.50 per page for certified copies of entries or papers in any
 action or proceedings when required for any other purpose than one
 connected with the progress or disposition of the action or
 proceeding.

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

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

(5) (4) If a ~~person~~ **PARTY** is unable to pay the fees **AND COPY
 CHARGES** required by this section **IN AN ACTION OR PROCEEDING**, the
~~person~~ **PARTY**, by motion, accompanied by the ~~person's~~ **PARTY'S**
 affidavit stating facts showing that inability, may ask the court
 to waive the fees **AND COPY CHARGES** and the court or a judge of the

1 court may waive payment of the fees **AND COPY CHARGES**.

2 (6) ~~(5)~~—Each month the clerk of the court of appeals shall
3 deposit with the state treasurer all fees collected and obtain and
4 file a receipt for the fees deposited.

5 (7) ~~(6)~~—Costs shall be awarded in the discretion of the court.

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

23 (2) ~~Only if the~~ **IF A** transcript is ~~desired~~ **REQUESTED** for the
24 purpose of moving for a new trial or preparing a record for appeal,
25 ~~shall the amount of reporters' or recorders' fees paid for the~~
26 transcript ~~be recovered~~ **SHALL BE ALLOWED** as ~~a part of the taxable~~
27 costs of the ~~prevailing party in~~ **WHO PREVAILS ON** the motion, **OR** in

1 the court of appeals or the supreme court.

2 (3) ON OCTOBER 1, 2009 AND ON OCTOBER 1 OF EACH OF THE
3 FOLLOWING 2 YEARS, THE AMOUNTS IN SUBSECTION (1) SHALL BE INCREASED
4 BY 25 CENTS PER ORIGINAL PAGE AND 5 CENTS PER PAGE FOR EACH COPY.

5 (4) ON OCTOBER 1, 2012 AND ON OCTOBER 1 OF EACH OF THE
6 FOLLOWING 2 YEARS, THE STATE TREASURER SHALL ADJUST THE AMOUNTS IN
7 SUBSECTION (1), AS ADJUSTED BY SUBSECTION (3) AND, IF APPLICABLE,
8 THIS SUBSECTION, TO REFLECT THE CUMULATIVE ANNUAL PERCENTAGE CHANGE
9 IN THE DETROIT CONSUMER PRICE INDEX AND PUBLISH THE ADJUSTED
10 AMOUNTS. AS USED IN THIS SUBSECTION, "DETROIT CONSUMER PRICE INDEX"
11 MEANS THE MOST COMPREHENSIVE INDEX OF CONSUMER PRICES AVAILABLE FOR
12 THE DETROIT AREA FROM THE UNITED STATES DEPARTMENT OF LABOR, BUREAU
13 OF LABOR STATISTICS.