



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 470 (as reported without amendment)  
Sponsor: Senator Alan L. Cropsey  
Committee: Appropriations

### **CONTENT**

The bill would amend the Revised Judicature Act (RJA) to delay the sunsets on certain court fee increases and to direct a certain portion of court fees to drug treatment courts or substance abuse programs.

#### Court of Appeals Fees

Public Act 138 of 2003 amended the RJA to increase the Court of Appeals motion fee from \$75 to \$100. It also increased the fees for expedited and immediate consideration motions in the Court of Appeals from \$150 to \$200. The Act included a sunset on both fee increases October 1, 2005. The bill would postpone the sunset to October 1, 2007.

#### District Court Fees

Public Act 138 of 2003 increased certain district court civil filing fees by \$5 each. Please see [Table 1](#) for a summary of these changes. The Act increased the portion of each civil filing fee retained by the local funding unit by \$5 and specified that not less than \$5 of the local share must be used to fund the operations of the district court. Public Act 138 included an October 1, 2005, sunset on the fee increases. The bill would extend the fee increases until October 1, 2007, but would direct not less than \$5 of the local share of the fee to a drug treatment court in that judicial district or to substance abuse treatment for probationers, instead of to the district court.

Table 1

District Court Filing	Current Fee	Fee if Sunset is not Delayed
Recovery of Possession of Premises	\$45	\$40
Small Claims		
--Up to \$600	\$25	\$20
--Over \$600 and up to \$1,750	\$45	\$40
--Over \$1,750 and up to \$3,000	\$65	\$60
General Civil		
--Up to \$600	\$25	\$20
--Over \$600 and up to \$1,750	\$45	\$40
--Over \$1,750 and up to \$10,000	\$65	\$60

MCL 600.321 et al.

## **FISCAL IMPACT**

### Court of Appeals Fees

According to the Court of Appeals, the higher fees have increased annual filing fee revenue by approximately \$87,500. Boilerplate language in the annual appropriation acts for the Judiciary for the last two fiscal years has dedicated this revenue to the Court of Appeals' effort to reduce the time it takes to handle an appeal. Both the Senate-passed and House-passed versions of the FY 2005-06 Judiciary appropriation bill recognize the continued increase in fee revenue and retain the boilerplate directing those funds toward delay reduction.

### District Court Fees

According to the State Court Administrative Office, based on reported 2004 civil filings, the additional revenue collected from the \$5 increase in district court filing fees totaled approximately \$2.6 million statewide. The estimated revenue increase experienced by each county ranges from \$75 in Keweenaw County to over \$700,000 in Wayne County. Table 2 summarizes the estimated impact by county based on the 2004 reported caseloads.

Table 2

County	Estimated \$5 Revenue	County	Estimated \$5 Revenue	County	Estimated \$5 Revenue
Alcona	\$1,290	Gratiot	\$6,335	Missaukee	\$1,755
Alger	\$1,255	Hillsdale	\$9,915	Monroe	\$34,975
Allegan	\$20,005	Houghton	\$3,695	Montcalm	\$15,975
Alpena	\$5,575	Huron	\$8,680	Montmorency	\$1,500
Antrim	\$3,530	Ingham	\$92,920	Muskegon	\$47,225
Arenac	\$2,920	Ionia	\$12,715	Newaygo	\$6,765
Baraga	\$680	Iosco	\$4,955	Oakland	\$329,350
Barry	\$9,270	Iron	\$1,485	Oceana	\$3,870
Bay	\$24,050	Isabella	\$12,820	Ogemaw	\$3,440
Benzie	\$2,050	Jackson	\$41,980	Ontonagon	\$725
Berrien	\$44,305	Kalamazoo	\$71,540	Osceola	\$4,730
Branch	\$12,570	Kalkaska	\$3,265	Oscoda	\$1,000
Calhoun	\$44,945	Kent	\$153,140	Otsego	\$6,415
Cass	\$10,040	Keweenaw	\$75	Ottawa	\$46,305
Charlevoix	\$5,655	Lake	\$2,150	Presque Isle	\$1,915
Cheboygan	\$5,315	Lapeer	\$13,150	Roscommon	\$5,180
Chippewa	\$5,140	Leelanau	\$1,710	Saginaw	\$50,925
Clare	\$7,935	Lenawee	\$18,300	Sanilac	\$8,210
Clinton	\$9,635	Livingston	\$24,310	Schoolcraft	\$1,440
Crawford	\$2,750	Luce	\$825	Shiawassee	\$14,465
Delta	\$5,045	Mackinac	\$1,525	St. Clair	\$37,215
Dickenson	\$4,680	Macomb	\$193,030	St. Joseph	\$14,210
Eaton	\$20,115	Manistee	\$4,335	Tuscola	\$10,195
Emmet	\$8,525	Marquette	\$10,160	Van Buren	\$21,930
Genessee	\$156,120	Mason	\$4,750	Washtenaw	\$77,140
Gladwin	\$4,490	Mecosta	\$9,075	Wayne	\$712,410
Gogebic	\$2,105	Menominee	\$2,880	Wexford	\$10,700
Grand Traverse	\$19,295	Midland	\$14,380		

Date Completed: 9-1-05

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.