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BILL ANALYSIS

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Senate Bill 470 (as enrolled)
Sponsor: Senator Alan L. Cropsey
Senate Committee: Appropriations
House Committee: Appropriations

PUBLIC ACT 151 of 2005

Date Completed: 1-23-07

CONTENT

The bill amended 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 postponed 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 had to 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 extended the fee increases until October 1, 2007, but directs 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 was 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 three fiscal years has dedicated this revenue to the Court of Appeals' effort to reduce the time it takes to handle an appeal. The FY 2006-07 Judiciary appropriation act recognizes the continued increase in fee revenue and retains the boilerplate directing those funds toward delay reduction.

District Court Fees

According to the State Court Administrative Office, based on reported 2005 civil filings, the additional revenue collected from the \$5 increase in district court filing fees totaled approximately \$2.7 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 2005 reported caseloads.

Table 2

County	Estimated \$5 Revenue	County	Estimated \$5 Revenue	County	Estimated \$5 Revenue
Alcona	\$1,185	Gratiot	\$6,445	Missaukee	\$1,735
Alger	\$1,380	Hillsdale	\$10,500	Monroe	\$35,045
Allegan	\$19,910	Houghton	\$3,775	Montcalm	\$16,255
Alpena	\$5,135	Huron	\$7,930	Montmorency	\$1,875
Antrim	\$3,920	Ingham	\$90,870	Muskegon	\$49,270
Arenac	\$2,940	Ionia	\$12,250	Newaygo	\$8,185
Baraga	\$1,015	Iosco	\$5,315	Oakland	\$341,455
Barry	\$8,865	Iron	\$1,580	Oceana	\$4,600
Bay	\$24,300	Isabella	\$14,195	Ogemaw	\$3,670
Benzie	\$2,570	Jackson	\$43,245	Ontonagon	\$795
Berrien	\$44,050	Kalamazoo	\$72,700	Osceola	\$6,550
Branch	\$12,670	Kalkaska	\$3,595	Oscoda	\$1,025
Calhoun	\$46,765	Kent	\$155,945	Otsego	\$6,755
Cass	\$10,480	Keweenaw	\$110	Ottawa	\$42,445
Charlevoix	\$6,085	Lake	\$1,905	Presque Isle	\$2,405
Cheboygan	\$5,935	Lapeer	\$14,030	Roscommon	\$4,975
Chippewa	\$5,575	Leelanau	\$2,100	Saginaw	\$53,730
Clare	\$7,860	Lenawee	\$17,405	Sanilac	\$7,780
Clinton	\$9,605	Livingston	\$25,985	Schoolcraft	\$1,560
Crawford	\$3,145	Luce	\$1,155	Shiawassee	\$14,185
Delta	\$5,065	Mackinac	\$1,675	St. Clair	\$38,375
Dickenson	\$4,375	Macomb	\$208,735	St. Joseph	\$14,600
Eaton	\$20,710	Manistee	\$4,330	Tuscola	\$9,865
Emmet	\$9,880	Marquette	\$10,015	Van Buren	\$18,775
Genesee	\$152,000	Mason	\$5,060	Washtenaw	\$77,950
Gladwin	\$5,000	Mecosta	\$8,960	Wayne	\$711,295
Gogebic	\$2,305	Menominee	\$2,705	Wexford	\$10,930
Grand Traverse	\$18,770	Midland	\$15,720		

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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.