

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

House Bill 5300 (Substitute S-1 as passed by the Senate)

Sponsor: Representative Richard A. Young

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 10-10-90

RATIONALE

Public Act 208 of 1990, the general government budget Act, appropriated \$1 million in restricted revenue to the Michigan Court of Appeals, based on revenue that is expected from filing fees. The appropriation will finance a docket control unit in the Court of Appeals. In order for the appropriated funds to be available to the Court, however, filing fees must be statutorily increased.

In addition, although filing fees for the Court of Appeals are set by statute, they traditionally have been the same as those for the Michigan Supreme Court, which are set by court rule. The Supreme Court recently raised its fees and some feel that the Court of Appeals' fees should be increased to conform with the Supreme Court's fees.

CONTENT

The bill would amend the Revised Judicature Act to double filing fees for the Court of Appeals. The fee for an appeal as of right, an application for leave to appeal, or an original proceeding would be raised to \$200 from \$100. The fee for entry of a motion would increase to \$50 from \$25. The bill includes an effective date of October 1, 1990.

MCL 600.321

SENATE COMMITTEE ACTION

The Senate Judiciary Committee originally reported the bill without amendment, but it was re-referred to the committee. The committee subsequently adopted a substitute (S-1) to the

bill that includes an effective date of October 1, 1990, rather than April 1, 1990.

FISCAL IMPACT

The bill would raise revenues to the Court of Appeals and would have no fiscal impact on local units of government.

Revenue from FY 1988-89 filing fee collections totaled \$509,000. Assuming a 20% annual increase in cases filed over FY 1988-89 levels, total revenue collections from filing fees are anticipated to be \$1,467,600 in FY 1990-91. If the same assumption were applied to motion fees, anticipated motion fee revenue would total \$159,300 in FY 1990-91.

Public Act 208 of 1990 appropriated \$1 million in restricted revenues to the Court of Appeals from appeals and motion fee collections. A portion of the fees would finance a docket control unit in the Court of Appeals, which will require 8.0 FTEs and \$550,000.

ARGUMENTS**Supporting Argument**

The bill is necessary in order for the Court of Appeals to receive funds designated for the Court in the Fiscal Year 1990-91 general government budget appropriation. Those funds, which are earmarked for docket control, are dependent upon an increase in filing fees.

Supporting Argument

The bill's fee increases are modest compared to the Court's administrative costs and expenses.

Further, the proposed increases would not affect the accessibility of justice because filing fees are only a small part of the costs of an appeal, often are waived in criminal appeals brought by indigent defendants, and can be recovered if a successful appellant is awarded costs. Finally, under the bill, filing fees for the Court of Appeals once again would be uniform with those of the Supreme Court.

Legislative Analyst: P. Affholter
Fiscal Analyst: F. Sanchez

H8990\S5300B

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.