
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 566 (as passed by the Senate)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 8-7-97

RATIONALE

The Court of Appeals requested increased funding in the fiscal year (FY) 1997-98 Judiciary budget bill (Senate Bill 171) for additional employees and the Court's operational expenses. Court officials suggested that the State could raise some of the revenue for additional appropriations by increasing filing and motion fees in the Revised Judicature Act. Senate Bill 171, as enrolled, increases the Court of Appeals appropriation, but also specifies that, if legislation to increase Court of Appeals filing and motion fees is not enacted and effective by October 1, 1997, the Court's appropriation for FY 1997-98 will be reduced by not more than \$425,000 and its FTE (full-time equated) positions will be reduced by not more than 10. In order to provide the Court of Appeals with the additional authorized appropriation and employees, some people believe that the Court's filing and motion fees should be statutorily increased.

CONTENT

The bill would amend the Revised Judicature Act (RJA) to increase certain fees payable to the Court of Appeals, and create a new fee for a motion for immediate consideration or to expedite an appeal. Prosecuting attorneys would be exempt from the new fee.

The bill would increase to \$250 from \$200 the fee for an appeal as of right, an application for leave to appeal, or an original proceeding. The RJA specifies that this fee must be paid only once for appeals that are taken by multiple parties from the same lower court order or judgment and can be consolidated.

The bill also would increase from \$50 to \$75 the fee for entry of any motion upon the motion docket. The fee for entry of a motion for immediate consideration or a motion to expedite appeal upon

the motion docket, however, would be \$250. The bill specifies that the \$250 fee would have to be paid only once, regardless of the number of lower court files involved in the appeal. A prosecuting attorney would be exempt from paying the \$250 fee when filing a motion for immediate consideration or a motion to expedite appeal with regard to an appeal arising out of a criminal proceeding.

MCL 600.321

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would facilitate the generation of additional revenue necessary to provide the Court of Appeals with its authorized appropriation increase in the proposed Judiciary budget for FY 1997-98. Senate Bill 171, which provides for the Judiciary budget, specifies that if Court of Appeals filing and motion fees are not legislatively enacted and effective by October 1, the Court's FY 1997-98 appropriation is to be reduced by up to \$450,000. Senate Bill 566 would meet the requirement laid out in Senate Bill 171 for the provision of the Judiciary's operational expenses.

Supporting Argument

The bill would provide for a larger increase for motion fees when entry of a motion was for immediate consideration or to expedite an appeal upon the motion docket. Currently, there is one fee for filing a motion, regardless of whether it is for immediate consideration or expediting appeal. It stands to reason, however, that if priority or expediency is sought, the fee for filing that motion should be greater than for filing other motions. The bill's higher fee for such a motion would be fair and

equitable.

Legislative Analyst: P. Affholter

FISCAL IMPACT

According to the Court of Appeals, the increase in fees would generate approximately \$425,000 in additional fee revenues for this Court, which would be used to fund new positions requested by the Court in the FY 1997-98 Judiciary budget bill.

Fiscal Analyst: M. Ortiz

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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.