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House Bill 4737 (Substitute S-1)
Sponsor: Representative Steve Bieda
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 9-16-03

CONTENT

The bill would amend provisions of the Revised Judicature Act (RJA) pertaining to fees enacted by Public Act 138 of 2003 (House Bill 4748), which will take effect on October 1, 2003. The bill would do all of the following:

- Include the filing of a writ in the requirement that a fee be paid for certain probate court filings.**
- Specify that the requirement that a portion of a child support collection fee be deposited into the new Attorney General's Operation Fund would apply to fees assessed on or after October 1, 2003.**
- Provide that a district court motion fee could not be assessed in a civil infraction action.**
- Delete requirements that court clerks submit certain reports to the executive secretary of the Michigan Judges Retirement System.**

The bill also specifies that certain fees and costs, as well as penalties, could be recovered in the same manner as civil judgments.

Under the RJA, except as otherwise provided by law, after a civil action or proceeding is commenced in the probate court, a party filing a motion, petition, account, objection, or claim must pay a fee of \$15. Under Public Act 138, that fee will go up to \$20 effective October 1, 2003. The bill would include the filing of a writ in that fee requirement.

Under Public Act 138, the monthly fee paid by individuals making child support payments collected by the Friend of the Court or State disbursement unit (SDU) will increase from \$1.25 to \$1.50, as of October 1, 2003. The additional 25 cents must be deposited into the Attorney General's Operations Fund created by Public Act 138. The bill would apply that requirement to fees assessed on or after October 1, 2003.

The RJA provides that, if the amount in controversy in a civil action filed in district court exceeds \$10,000, a sum of \$20 must be assessed for all motions filed in that civil action. Under Public Act 138, the \$20 assessment for filing motions will apply for all motions filed in a civil action in district court, regardless of the amount in controversy. House Bill 4737 (S-1) specifies that a motion fee could not be assessed in a civil infraction action.

The bill would delete requirements that the circuit court clerk and the district court clerk prepare and submit a court filing fee report to the executive secretary of the Michigan Judges Retirement System at the same time the clerk transmits to the executive secretary the portion of certain fees collected under the RJA. (Public Act 138 deleted the requirement that the court clerks transmit portions of certain fees to the executive secretary of the retirement system.)

Under the RJA, unless otherwise provided for by law, if a person incurs a penalty for an act or omission that is not also a misdemeanor, the penalty may be recovered in a civil action. The bill specifies instead that, unless otherwise provided for by law, if a person incurred a penalty, fee, or costs for an act or omission that was not also a misdemeanor, the penalty, fee, or costs could be recovered in the same manner as civil judgments for money in the same court.

MCL 600.880b et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State or local units of government. The bill would eliminate provisions that became obsolete due to fee legislation enacted in July 2003, and would clarify the application and distribution of fees. The July 2003 legislation will increase revenue for the judiciary and other criminal justice agencies by raising civil filing fees, motion fees, and civil infraction assessments.

The bill would not affect the revenue estimate related to the July 2003 legislation.

Fiscal Analyst: Bill Bowerman