

# Legislative Analysis



## COURT OF APPEALS MOTION FEES

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### House Bill 4861

Sponsor: Rep. Mark Meadows

Committee: Appropriations

Complete to 6-12-07

### SUMMARY OF HOUSE BILL 4861 INTRODUCED 5-29-07:

The bill would amend Section 321 of the Revised Judicature Act of 1961 (MCL 600.321) to eliminate language that would reduce the Michigan Court of Appeals motion fees beginning October 1, 2007. This bill would amend the Act so that these motion fees would permanently remain the current fee amount. The Executive Recommendation for the FY 2007-08 Judiciary budget (HB 4355) assumes the anticipated elimination of the fee reduction as proposed in HB 4861.

### BACKGROUND INFORMATION:

Court of Appeals motion fees are used to help fund the operations of the Michigan Court of Appeals. These fees have been increased periodically as court costs have risen (see chart below). Public Act 138 of 2003 increased the motion fee from \$75 to \$100 and increased the fees for immediate consideration and expedited motions from \$150 to \$200. The act also provided for both fee increases to expire on October 1, 2005. However, the sunset on these fee increases was subsequently extended for an additional two years by Public Act 151 of 2005. Under current law, the motion fee increases will expire on October 1, 2007.

House Bill 4861 would eliminate the sunset on these motion fee increases and establish them permanently. Under this bill, Court of Appeals motion fees would remain \$100 and motions for immediate consideration or expedited appeal would remain \$200.

### History of Michigan Court of Appeals Motion Fee Increases

Public Act	Appeal as of Right, Application for Leave to Appeal, Original Proceeding	Motion Fee	Motion for Immediate Consideration, Expedite Appeal
PA 274 of 1986	\$100	\$25	N/A
PA 277 of 1990	\$200	\$50	NA
PA 182 of 1997	\$250	\$75	\$150
PA 138 of 2003	\$375	\$100 (after 10/1/05- \$75)	\$200 (after 10/1/05- \$150)
PA 151 of 2005	\$375	\$100 (after 10/1/07- \$75)	\$200 (after 10/1/07- \$150)

**FISCAL IMPACT:**

The increases in Court of Appeals motion fees are estimated to have increased annual revenue by \$87,500. House Bill 4861 eliminates the sunset on the motion fee increases and makes these fee increases permanent. Under this bill, it is estimated that the Court of Appeals would continue to collect an additional \$87,500 annually. Since FY 2004-05, boilerplate language in the Judiciary budget acts have expressed legislative intent that this increased revenue be dedicated to the delay reduction efforts of the Court of Appeals. The Executive budget recommendation for Judiciary for FY 2007-08 assumes that this revenue will continue to be collected.

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