

Judicial Branch Budget Update: Final Legislative Action Improves Budget Outlook (May 1, 2009)

Senate File 478, a bill approved by the legislature and awaiting the governor's signature, significantly reduces the budget shortfall the judicial branch expected next fiscal year (FY 10) and returns some money to the judicial branch to improve conditions for the remainder of the current fiscal year (FY 09).

Fiscal Year FY 10

Prior to passing SF 478, the legislature approved Senate File 472 that provides \$149 million to the judicial branch for FY 10. At this level of funding, the judicial branch faced a budget shortfall of \$15.1 million. On the last day of the session, however, the legislature approved SF 478 that increased the FY 10 appropriation to the judicial branch from \$149 million to \$160.1 million. Assuming the governor approves the higher appropriation, the judicial branch budget shortfall in FY 10 will be \$4.2 million.

FY 09

SF 478 also includes a \$760,000 supplemental appropriation to the judicial branch for FY 09. In March, the governor cut \$3.8 million from the FY 09 judicial branch budget forcing court closure days and travel restrictions. The supplemental appropriation will enable the judicial branch to reduce the number of court closure days scheduled for through June 30. Last month, the supreme court approved other measures to help increase judicial travel to counties that do not have a resident judge.

Higher Court Fees

The legislature raised a number of court fees and used the new revenue generated by these fee increases to cover the additional appropriations to the judicial branch for both FY 09 and FY 10. These fee increases take effect if and when the governor approves them.

The court fees proposed in the legislation are:

- Civil filing fee (other than chapter 598) raised from \$100 to **\$185**
- Filing fee for chapter 598 (marriage dissolution) petition-- \$100 (current amount)
- Filing fee for adoption petition-- \$100 (current amount)
- Filing fee for a modification of dissolution raised from \$50 to **\$100**
- Filing an appeal from small claims raised from \$75 to **\$185**
- Fee for filing a lien raised from \$20 to **\$50**
- Fee for a certificate and seal raised from \$10 to **\$20**
- Fee for change of title in real estate raised from \$20 to **\$50**
- New fee for "filing" a lis pendens -- **\$50**
- Filing fee for a simple misdemeanor or scheduled violation raised from \$50 to **\$60**
- Fee for appeal of a simple misdemeanor raised from \$50 to **\$75**
- Court reporter fee raised from \$15/day to **\$40/day**
- Fee for filing a small claims case raised from \$50 to **\$85**
- Fee for "other" probate services in estates over \$25,000, for each additional \$25,000, raised from \$25 to **\$50**
- Criminal penalty surcharge raised from 32% to **35%** of fine or forfeiture imposed

The governor has 30 days from April 27 to act on the legislation.