



Romney Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

NREPA: INCREASE JURISDICTIONAL AMOUNTS

House Bill 4059 with committee amendment Revised First Analysis (3-8-99)

Sponsor: Rep. Mary Ann Middaugh
Committee: Family and Civil Law

THE APPARENT PROBLEM:

When the state assumed funding of Wayne County-Detroit area court operations in 1981, courts in Wayne County and Detroit were reorganized. As part of the restructuring, the Detroit Common Pleas Court and the Detroit Recorder's Court Traffic and Ordinance Division were abolished, and the Thirty-sixth District Court for the city was created in their stead. More recently, further reorganization of these courts resulted in the entire Detroit Recorder's Court being abolished and merged with the Third (Wayne County) Circuit Court. The legislation that accomplished this latest reorganization also increased, from \$10,000 to \$25,000, the monetary criteria for determining a district court's jurisdiction. This latter provision had an effective date of January 1, 1998. In addition, Public Act 367 of 1998 (enrolled House Bill 5268) amended the Michigan Uniform Municipal Court Act to allow a city with a municipal court to increase the civil jurisdiction of its municipal court from \$1,500 to \$3,000. Accordingly, legislation has been introduced that would amend the Natural Resources and Environmental Protection Act to reflect these changes.

THE CONTENT OF THE BILL:

Part 16 of the Natural Resources and Environmental Protection Act (NREPA), which regulates laws enforcing the protection of wild birds, wild animals, and fish, provides conservation officers with the authority to seize certain property that has been involved in illegal hunting or fishing. House Bill 4059 would amend the portion of Part 16 of the NREPA that establishes which courts have jurisdiction to determine whether property that has been seized under the act may be confiscated. Currently, Part 16 specifies that a district court may determine such cases where the property involved has an estimated value of \$10,000 or less. Under the bill, a district court would have jurisdiction where the seized property was valued at up to \$25,000.

The current law regarding municipal courts provides that such cases may be heard in a municipal court if the property involved is appraised at a value of \$1,500 or less. The bill would increase the jurisdictional limit to \$3,000 or less for those municipal courts in cities that had increased their municipal court's jurisdictional amount under the Michigan Uniform Municipal Court Act.

In addition, the bill would delete a provision of the act that established jurisdiction for the now abolished Detroit common pleas court.

MCL 324.1603

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal impact. (1-28-99)

ARGUMENTS:

For:

The bill would provide technical modifications to the Natural Resources and Environmental Protection Act (NREPA) to reflect changes made under the provisions of Public Act 438 of 1980, Public Act 374 of 1996, and Public Act 367 of 1998. Among other things, these acts abolished the Detroit Common Pleas Court and increased the jurisdictional amounts for district courts and for certain municipal courts.

POSITIONS:

The Department of Natural Resources supports the bill. (2-16-99)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.