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SFA BILL ANALYSIS

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House Bill 4059 (as passed by the House)
Sponsor: Representative Mary Ann Middaugh
House Committee: Family and Civil Law
Senate Committee: Judiciary

Date Completed: 3-9-99

CONTENT

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to increase district and municipal court jurisdictional amounts in seizure proceedings under the Act (which would make the amounts consistent with the courts' general jurisdictional limits). The bill also would delete reference to the jurisdictional authority of the "common pleas court of the city of Detroit" in those proceedings; that court was abolished in 1981.

The NREPA requires a conservation officer to take possession of any and all nets, hunting or fishing apparatuses or appliances, or other property, and wild birds, wild animals, or fish, that have been caught, taken, killed, shipped, or possessed at a time, in a manner, or for a purpose that is contrary to law. The seizing officer must file a verified complaint in the court having jurisdiction and venue over the seizure of the property.

The NREPA specifies that the district court has jurisdiction to determine whether seized property is to be confiscated if the property is seized within Michigan, other than in a city having a municipal court or in a village served by a municipal court, and if the property is not appraised by the seizing officer at a value of more than $10,000. A municipal court has jurisdiction over the seizure proceedings if the property is seized in a city having a municipal court or in a village served by a municipal court, and if the property is not appraised by the seizing officer at more than $1,500. If the property's appraised value exceeds those limits, the circuit court has jurisdiction over the proceedings.

The bill would increase the jurisdictional limit to $25,000 for the district court. The bill would raise the limit to $3,000 for a municipal court, if the city in which the municipal court was located had increased the court's jurisdictional amount under the Michigan Uniform Municipal Court Act (MCL 730.522). If the city had not done so, the limit under the NREPA would remain $1,500. (Public Act 374 of 1996 raised the jurisdictional ceiling for the district court from $10,000 to $25,000, and Public Act 367 of 1998 authorized the municipal courts' jurisdictional limit to be increased from $1,500 to $3,000, if the city in which the court is located increases the jurisdictional amount for that court by resolution of the city's legislative body.)

MCL 324.1603 Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Bowerman

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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.