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OUR EDITORIAL

Put an end to budgeting-by-lawsuit

State Legislature should pass a bill that keeps budget disputes out of court

A bill in the Legislature would help make sure local and county budgets are decided by those elected to do the job, not by the courts. The measure rightly keeps courts out of local budgeting battles and sets new limits on lawsuits filed against one elected official by another over spending.

An example is the suit brought earlier this year by Wayne County Prosecutor Kym Worthy against the Wayne County Board of Commissioners. Worthy contended her budget wasn't adequate and went to court to get more money.

The problem with this approach is that it takes the budgeting process out of the hands of those who were elected to make such decisions and gives the power to a circuit court judge.

It isn't a trial judge's responsibility to address budget policy, and the presiding judge may have a vested interest in the outcome.

Under the proposed bill, any lawsuits from elected officials would go before the Michigan Court of Appeals and not the circuit court. Because it is one step higher in the judicial chain of command, it is expected the Appeals Court would be more impartial.

Also, the bill would allow the Appeals Court to consider a county or governmental unit's ability to pay. These lawsuits are expensive, and the loser is always the taxpayer. Public funds not only pay the attorney fees for both sides of such litigation but also are used in any settlements.

Wayne County spent more than $3 million in legal fees last year.

The Michigan Association of Counties and other such municipal groups favor the bill but heavy lobbying against the proposal continues to come from the Michigan Judges Association, which represents circuit court judges.

A hearing was held Tuesday on the bill, which is in the Senate Government Operations Committee. Lawmakers should send it to the Senate for approval. The House has already passed it.

To avoid the appearance of a conflict of interest, the circuit court judges should want the bill passed. At times, the local financial battles have involved circuit court budgets.

In such cases, the lawsuits have been turned over to a circuit court judge from another county, but that judicial official might be overly sympathetic to his next door colleague.

The problem is statewide, as illustrated by Rep. Peter Pettalia, R-Presque Isle, who testified Tuesday that his district has also encountered expensive intra-county lawsuits.

Elected officials who want more money for their departments should do it the old fashioned way, through working the legislative branch and the public.

This bill, while it wouldn't halt such lawsuits entirely, would help return budget-making to the proper venue.