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**SFA****BILL ANALYSIS**

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House Bill 6260 (Substitute H-1 as reported by the Committee of the Whole)  
Sponsor: Representative Jim Howell  
House Committee: Civil Law and the Judiciary  
Senate Committee: Judiciary

## **CONTENT**

The bill would add Chapter 4 to the Revised Judicature Act to allow the judges of circuit, probate, and district courts to adopt plans of trial court concurrent jurisdiction. The bill also specifies areas of exclusive jurisdiction for the circuit, probate, and district courts that would remain with each of those courts, notwithstanding a plan of concurrent jurisdiction.

Within a county or judicial circuit, subject to approval by the Supreme Court and to the limitations specified in the bill, the following judges could adopt a plan of concurrent jurisdiction for the participating trial courts in that county or circuit: the circuit judges, the probate judges, and the district judges; the circuit judges and the probate judges; the circuit judges and the district judges; and the probate judges and the district judges. A plan of concurrent jurisdiction could provide for one or more of the following: The circuit court and one or more circuit judges could exercise the power and jurisdiction of the probate court and/or the district court; the probate court and one or more probate judges could exercise the power and jurisdiction of the circuit court and/or the district court; and the district court and one or more district judges could exercise the power and jurisdiction of the circuit court and/or the probate court. At least 30 days before a proposed plan was submitted to the Supreme Court, it would have to be submitted to the local funding unit or units for review of the plan's financial implications. The cost of implementing the plan would be subject to the approval of the funding unit or units through their budgeting process.

The bill specifies that, in a judicial circuit in which the circuit court, probate court, or district court was affected by a plan of concurrent jurisdiction adopted under the bill, the court would have concurrent jurisdiction as provided in the plan. The circuit court, however, would have exclusive jurisdiction over appeals from district court and administrative agencies; to issue, hear, and determine prerogative and remedial writs, consistent with Article VI, Section 13 of the State Constitution; and over matters within the Court of Claims. The probate court would have exclusive jurisdiction over matters of trusts and estates. The district court would have exclusive jurisdiction over small claims actions and civil infraction actions.

A plan of concurrent jurisdiction would have to provide for the transfer or assignment of cases between the affected trial courts and to individual judges of those courts, as necessary to implement the plan and to distribute the workload fairly among the judges, and could include a family court plan required under Chapter 10 of the Act.

Unless the county clerk approved an alternative method of record maintenance as part of a plan of concurrent jurisdiction, circuit court, probate court, and district court records would continue to be maintained by the county clerk, probate register, or district court clerk, as applicable, in the same manner as employed for record management before the plan of concurrent jurisdiction was adopted.

The bill would take effect on April 1, 2003. A plan of concurrent jurisdiction would take effect on the first day of the month beginning at least 90 days after the Supreme Court's approval of the plan.

**FISCAL IMPACT**

Initial local costs could result from realignment of jurisdiction due to staff assignments, facilities, and other general operational costs.

Based on the experience of seven demonstration projects, concurrent jurisdiction trial courts would result in savings to local court funding units. Efficiencies have been achieved through combining attorney defense contracts, reducing visiting judge costs, consolidating administrative staff, and streamlining the docket process through collective caseload management.

The State would incur additional costs related to salaries of district court judges and part-time probate court judges depending on the number of trial courts that would adopt a concurrent jurisdiction plan. The salary of circuit court judges and full-time probate court judges is the same, \$139,919. The salary of a district court judge is \$138,272; \$1,647 less than a circuit court judge. The State pays 100% of the salary for full-time trial court judges. However, the State pays \$25,750 of a part-time probate judge's salary. There will be 11 remaining part-time probate judges in Michigan effective April 1, 2003. The additional State cost for each part-time probate judge converted to full-time status under a concurrent jurisdiction plan would be approximately \$115,000.

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