

Act No. 678
Public Acts of 2002
Approved by the Governor
December 25, 2002
Filed with the Secretary of State
December 30, 2002
EFFECTIVE DATE: April 1, 2003

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Rep. Howell

ENROLLED HOUSE BILL No. 6260

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 601 and 841 (MCL 600.601 and 600.841), section 601 as amended by 1996 PA 388 and section 841 as amended by 2000 PA 56, and by adding chapter 4 and sections 425 and 8304.

The People of the State of Michigan enact:

CHAPTER 4

TRIAL COURT CONCURRENT JURISDICTION

Sec. 401. (1) Within a county or judicial circuit, subject to approval by the state supreme court and subject to the limitations contained in sections 410, 601, 841, and 8304, a plan of concurrent jurisdiction may be adopted by a majority vote of each of the following groups of judges for the participating trial courts in that county or judicial circuit:

- (a) The circuit judges, the probate judges, and the district judges.
- (b) The circuit judges and the probate judges.
- (c) The circuit judges and the district judges.
- (d) The probate judges and the district judges.
- (2) A plan of concurrent jurisdiction may provide for 1 or more of the following:
 - (a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.
 - (b) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the district court.
 - (c) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.
 - (d) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the district court.
 - (e) The district court and 1 or more district judges may exercise the power and jurisdiction of the circuit court.
 - (f) The district court and 1 or more district judges may exercise the power and jurisdiction of the probate court.

(3) A plan of concurrent jurisdiction shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction shall become effective on the first day of the month at least 90 days after the approval of the plan by the supreme court.

(5) This section does not apply to the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, which have district court districts of the third class.

Sec. 405. Sections 406, 407, and 408 provide options for adoption of a plan of concurrent jurisdiction in the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, which have district court districts of the third class.

Sec. 406. (1) Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, the circuit judges and the probate judges, subject to approval by the state supreme court and subject to the limitations contained in sections 410, 601, 841, and 8304, by a majority vote of each group of judges, may adopt 1 or more plans of concurrent jurisdiction for the circuit court and probate court in that county.

(2) A plan of concurrent jurisdiction under this section may provide for 1 or more of the following:

(a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.

(b) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.

(3) A plan of concurrent jurisdiction shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction shall become effective on the first day of the month at least 90 days after the approval of the plan by the supreme court.

Sec. 407. (1) Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, and Washtenaw, the circuit judges, the probate judges, and the district judges in the county-funded district court district, subject to approval by the state supreme court and subject to the limitations contained in sections 410, 601, 841, and 8304, by a majority vote of each group of judges, may adopt 1 or more plans of concurrent jurisdiction for the participating trial courts in that county.

(2) A plan of concurrent jurisdiction under this section may provide for 1 or more of the following:

(a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.

(b) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the district court within the county-funded district court district.

(c) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.

(d) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the district court within the county-funded district court district.

(e) The district court and 1 or more district judges in the county-funded district court district within the county may exercise the power and jurisdiction of the circuit court.

(f) The district court and 1 or more district judges in the county-funded district court district within the county may exercise the power and jurisdiction of the probate court.

(3) A plan of concurrent jurisdiction shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction shall become effective on the first day of the month at least 90 days after the approval of the plan by the supreme court.

Sec. 408. (1) Within the counties of Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne, the circuit judges, the probate judges, and the district judges in 1 or more district court districts within the county, subject to approval by the state supreme court and subject to the limitations contained in sections 410, 601, 841, and 8304, by a majority vote of each group of judges, may adopt 1 or more plans of concurrent jurisdiction for the participating trial courts in that county.

(2) A plan of concurrent jurisdiction under this section may provide for 1 or more of the following:

(a) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the probate court.

(b) The circuit court and 1 or more circuit judges may exercise the power and jurisdiction of the district court within the participating district court districts within the county.

(c) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the circuit court.

(d) The probate court and 1 or more probate judges may exercise the power and jurisdiction of the district court within the participating district court districts within the county.

(e) The district court and 1 or more district judges in the participating district court districts within the county may exercise the power and jurisdiction of the circuit court.

(f) The district court and 1 or more district judges in the participating district court districts within the county may exercise the power and jurisdiction of the probate court.

(3) A plan of concurrent jurisdiction shall provide for the transfer or assignment of cases between the trial courts affected by the plan and to individual judges of those courts as necessary to implement the plan and to fairly distribute the workload among those judges.

(4) A plan of concurrent jurisdiction involving district court districts of the third class may include an agreement as to the allocation of court revenue, other than revenue payable by statute to libraries or state funds, and court expenses. This agreement is subject to approval by the county board of commissioners and by each local funding unit of each participating district of the third class.

(5) A plan of concurrent jurisdiction shall become effective on the first day of the month at least 90 days after the approval of the plan by the supreme court.

Sec. 410. A plan of concurrent jurisdiction adopted under this chapter shall not include a delegation of any of the following:

(a) A power of appointment to a public office delegated by constitution or statute to the circuit court or a circuit judge.

(b) A power of appointment to a public office delegated by constitution or statute to the probate court or a probate judge.

(c) A power of appointment to a public office delegated by constitution or statute to the district court or a district judge.

Sec. 415. A plan of concurrent jurisdiction may include a family court plan as provided in chapter 10.

Sec. 420. Unless an alternate method of record maintenance is approved by the county clerk as part of a plan of concurrent jurisdiction, the records of the circuit court, probate court, and district court shall continue to be maintained by that respective county clerk, probate register, or district court clerk in the same manner as the method employed for record management before the plan of concurrent jurisdiction is adopted.

Sec. 425. Not later than 30 days before a proposed plan of concurrent jurisdiction under this chapter is submitted to the supreme court for approval, the plan shall be submitted to the local funding unit or units for their review of the plan's financial implications. Consistent with article VII, section 8 of the state constitution of 1963, the cost of implementing a plan of concurrent jurisdiction is subject to approval by the funding unit or units through the funding units' budgeting process.

Sec. 601. (1) The circuit court has the power and jurisdiction:

(a) Possessed by courts of record at the common law, as altered by the state constitution of 1963, the laws of this state, and the rules of the supreme court.

(b) Possessed by courts and judges in chancery in England on March 1, 1847, as altered by the state constitution of 1963, the laws of this state, and the rules of the supreme court.

(c) Prescribed by the rules of the supreme court.

(2) The circuit court has exclusive jurisdiction over condemnation cases commenced under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630.

(3) In a judicial circuit in which the circuit court is affected by a plan of concurrent jurisdiction adopted under chapter 4, the circuit court has concurrent jurisdiction with the probate court or the district court, or both, as provided in the plan of concurrent jurisdiction, except as to the following matters:

(a) The probate court shall have exclusive jurisdiction over trust and estate matters.

(b) The district court shall have exclusive jurisdiction over small claims and civil infraction actions.

(4) The family division of circuit court has jurisdiction as provided in chapter 10.

Sec. 841. (1) The probate court has jurisdiction and power as follows:

(a) As conferred upon it under the estates and protected individuals code, 1998 PA 386, MCL 700.1101 to 700.8102.

(b) As conferred upon it under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(c) As conferred upon it under this act.

(d) As conferred upon it under another law or compact.

(2) In a judicial circuit in which the probate court is affected by a plan of concurrent jurisdiction adopted under chapter 4, the probate court has concurrent jurisdiction with the circuit court or the district court, or both, as provided in the plan of concurrent jurisdiction, except as to the following matters:

(a) The circuit court shall have exclusive jurisdiction over appeals from the district court and from administrative agencies as authorized by law.

(b) The circuit court shall have exclusive jurisdiction and power to issue, hear, and determine prerogative and remedial writs consistent with section 13 of article VI of the state constitution of 1963.

(c) The circuit court shall have exclusive jurisdiction to hear and decide matters within the jurisdiction of the court of claims under chapter 64.

(d) The district court shall have exclusive jurisdiction over small claims and civil infraction actions.

Sec. 8304. In a district court district in which the district court is affected by a plan of concurrent jurisdiction adopted under chapter 4, the district court has concurrent jurisdiction with the circuit court or the probate court, or both, as provided in the plan of concurrent jurisdiction, except as to the following matters:

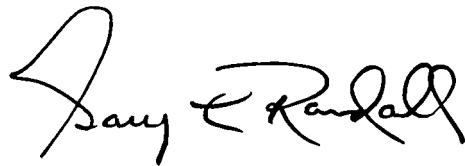
(a) The circuit court shall have exclusive jurisdiction over appeals from the district court and from administrative agencies as authorized by statute.

(b) The circuit court shall have exclusive jurisdiction and power to issue, hear, and determine prerogative and remedial writs consistent with section 13 of article VI of the state constitution of 1963.

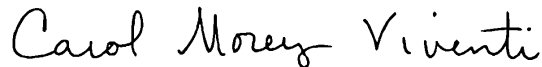
(c) The circuit court shall have exclusive jurisdiction to hear and decide matters within the jurisdiction of the court of claims under chapter 64.

(d) The probate court shall have exclusive jurisdiction over trusts and estates.

Enacting section 1. This amendatory act takes effect April 1, 2003.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.