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BILL



ANALYSIS

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House Bill 5124 (Substitute H-4 as reported with amendment)

Sponsor: Representative Kevin Cotter

House Committee: Judiciary

Senate Committee: Judiciary

## **CONTENT**

The bill would amend the Revised Judicature Act (RJA) to do the following:

- Require plans of concurrent jurisdiction in judicial circuits to be adopted by majority vote of all the judges, rather than allowing such plans to be adopted by a majority vote of each group of judges.
- Allow a plan of concurrent jurisdiction to include agreements involving the operation of the participating trial courts, as approved by the Supreme Court.
- Specify that a concurrent jurisdiction plan that was adopted, approved by the Supreme Court, and in effect on December 31, 2012, would be valid and in compliance with the bill's requirements.
- Specify that a plan of concurrent jurisdiction would be effective upon the Supreme Court's approval of the plan.
- Delete exceptions to concurrent jurisdiction, which give exclusive jurisdiction over certain matters to the probate or district court.

The bill specifies that concurrent jurisdiction plans would have to be designed to benefit the citizens using the courts rather than the courts themselves or any of the judges. A judge voting against a plan could file an objection with the State Court Administrator, who would have to review objections and report on them to the Supreme Court. An objection could be based on insufficient allocation of staff or resources, inadequate training for any judge or staff, excessive assignments outside of a judge's election district, or retaliation for any action including failure to vote for a concurrent jurisdiction plan.

The bill also would repeal a section of the RJA dealing with plans of concurrent jurisdiction in counties in which the probate judges have the jurisdiction, powers, duties, and titles of a district judge.

MCL 600.401 et al.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local courts. Some courts, by majority vote of all seated judges in that jurisdiction, would choose not to adopt a concurrent plan and there would be no fiscal impact. For courts that chose to adopt a concurrent jurisdiction plan, there could be long-term savings due to more efficient operations, although there also could be some minor initial costs to linking operations, such as software or personnel training.

Date Completed: 7-25-12

Fiscal Analyst: Dan O'Connor