



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5503 (Substitute H-1 as passed by the House)
Sponsor: Representative Klint Kesto
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 6-28-16

CONTENT

The bill would amend the Estates and Protected Individuals Code to delete a provision under which another court that had concurrent jurisdiction with the probate court may hear the action by appeal or review after the matter has been transferred to probate court.

Under the Code, if the probate court has concurrent jurisdiction of an action or proceeding that is pending in another court, on the motion of a party and after a finding and order on the jurisdictional issue, the other court may order removal of the action or proceeding to the probate court. If that occurs, the other court may not hear the action or proceeding, except by appeal or review as provided by law or Supreme Court rule. The bill would delete that exception for appeal or review.

The bill is tie-barred to Senate Bill 632 (Public Act 186 of 2016), and would take effect 90 days after its enactment.

(Public Act 186 amends the Revised Judicature Act to specify that the Court of Appeals has jurisdiction on appeals from final judgments and final orders from the probate court, as a matter of right, and to delete a provision under which another court that had concurrent jurisdiction with the probate court may hear the action by appeal or review after the matter has been transferred to probate court. Public Act 186 was enacted on June 21, 2016, and will take effect 90 days after that date. The Act is tie-barred to House Bill 5503.)

MCL 700.1303

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Ryan Bergan

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