

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 6260

(As passed the House, December 3, 2002)

A bill 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:

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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:

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260

2

1 (A) THE CIRCUIT JUDGES, THE PROBATE JUDGES, AND THE DISTRICT
2 JUDGES.

3 (B) THE CIRCUIT JUDGES AND THE PROBATE JUDGES.

4 (C) THE CIRCUIT JUDGES AND THE DISTRICT JUDGES.

5 (D) THE PROBATE JUDGES AND THE DISTRICT JUDGES.

6 (2) A PLAN OF CONCURRENT JURISDICTION MAY PROVIDE FOR 1 OR
7 MORE OF THE FOLLOWING:

8 (A) THE CIRCUIT COURT AND 1 OR MORE CIRCUIT JUDGES MAY EXER-
9 CISE THE POWER AND JURISDICTION OF THE PROBATE COURT.

10 (B) THE CIRCUIT COURT AND 1 OR MORE CIRCUIT JUDGES MAY EXER-
11 CISE THE POWER AND JURISDICTION OF THE DISTRICT COURT.

12 (C) THE PROBATE COURT AND 1 OR MORE PROBATE JUDGES MAY EXER-
13 CISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT.

14 (D) THE PROBATE COURT AND 1 OR MORE PROBATE JUDGES MAY EXER-
15 CISE THE POWER AND JURISDICTION OF THE DISTRICT COURT.

16 (E) THE DISTRICT COURT AND 1 OR MORE DISTRICT JUDGES MAY
17 EXERCISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT.

18 (F) THE DISTRICT COURT AND 1 OR MORE DISTRICT JUDGES MAY
19 EXERCISE THE POWER AND JURISDICTION OF THE PROBATE COURT.

20 (3) A PLAN OF CONCURRENT JURISDICTION SHALL PROVIDE FOR THE
21 TRANSFER OR ASSIGNMENT OF CASES BETWEEN THE TRIAL COURTS AFFECTED
22 BY THE PLAN AND TO INDIVIDUAL JUDGES OF THOSE COURTS AS NECESSARY
23 TO IMPLEMENT THE PLAN AND TO FAIRLY DISTRIBUTE THE WORKLOAD AMONG
24 THOSE JUDGES.

25 (4) A PLAN OF CONCURRENT JURISDICTION SHALL BECOME EFFECTIVE
26 ON THE FIRST DAY OF THE MONTH AT LEAST 90 DAYS AFTER THE APPROVAL
27 OF THE PLAN BY THE SUPREME COURT.

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260

3

1 (5) THIS SECTION DOES NOT APPLY TO THE COUNTIES OF GENESEE,
2 INGHAM, KENT, MACOMB, OAKLAND, WASHTENAW, AND WAYNE, WHICH HAVE
3 DISTRICT COURT DISTRICTS OF THE THIRD CLASS.

4 SEC. 405. SECTIONS 406, 407, AND 408 PROVIDE OPTIONS FOR
5 ADOPTION OF A PLAN OF CONCURRENT JURISDICTION IN THE COUNTIES OF
6 GENESEE, INGHAM, KENT, MACOMB, OAKLAND, WASHTENAW, AND WAYNE,
7 WHICH HAVE DISTRICT COURT DISTRICTS OF THE THIRD CLASS.

8 SEC. 406. (1) WITHIN THE COUNTIES OF GENESEE, INGHAM, KENT,
9 MACOMB, OAKLAND, WASHTENAW, AND WAYNE, THE CIRCUIT JUDGES AND THE
10 PROBATE JUDGES, SUBJECT TO APPROVAL BY THE STATE SUPREME COURT
11 AND SUBJECT TO THE LIMITATIONS CONTAINED IN SECTIONS 410, 601,
12 841, AND 8304, BY A MAJORITY VOTE OF EACH GROUP OF JUDGES, MAY
13 ADOPT 1 OR MORE PLANS OF CONCURRENT JURISDICTION FOR THE CIRCUIT
14 COURT AND PROBATE COURT IN THAT COUNTY.

15 (2) A PLAN OF CONCURRENT JURISDICTION UNDER THIS SECTION MAY
16 PROVIDE FOR 1 OR MORE OF THE FOLLOWING:

17 (A) THE CIRCUIT COURT AND 1 OR MORE CIRCUIT JUDGES MAY EXER-
18 CISE THE POWER AND JURISDICTION OF THE PROBATE COURT.

19 (B) THE PROBATE COURT AND 1 OR MORE PROBATE JUDGES MAY EXER-
20 CISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT.

21 (3) A PLAN OF CONCURRENT JURISDICTION SHALL PROVIDE FOR THE
22 TRANSFER OR ASSIGNMENT OF CASES BETWEEN THE TRIAL COURTS AFFECTED
23 BY THE PLAN AND TO INDIVIDUAL JUDGES OF THOSE COURTS AS NECESSARY
24 TO IMPLEMENT THE PLAN AND TO FAIRLY DISTRIBUTE THE WORKLOAD AMONG
25 THOSE JUDGES.

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260

4

1 (4) A PLAN OF CONCURRENT JURISDICTION SHALL BECOME EFFECTIVE
2 ON THE FIRST DAY OF THE MONTH AT LEAST 90 DAYS AFTER THE APPROVAL
3 OF THE PLAN BY THE SUPREME COURT.

4 SEC. 407. (1) WITHIN THE COUNTIES OF GENESEE, INGHAM, KENT,
5 MACOMB, OAKLAND, AND WASHTENAW, THE CIRCUIT JUDGES, THE PROBATE
6 JUDGES, AND THE DISTRICT JUDGES IN THE COUNTY-FUNDED DISTRICT
7 COURT DISTRICT, SUBJECT TO APPROVAL BY THE STATE SUPREME COURT
8 AND SUBJECT TO THE LIMITATIONS CONTAINED IN SECTIONS 410, 601,
9 841, AND 8304, BY A MAJORITY VOTE OF EACH GROUP OF JUDGES, MAY
10 ADOPT 1 OR MORE PLANS OF CONCURRENT JURISDICTION FOR THE PARTICI-
11 PATING TRIAL COURTS IN THAT COUNTY.

12 (2) A PLAN OF CONCURRENT JURISDICTION UNDER THIS SECTION MAY
13 PROVIDE FOR 1 OR MORE OF THE FOLLOWING:

14 (A) THE CIRCUIT COURT AND 1 OR MORE CIRCUIT JUDGES MAY EXER-
15 CISE THE POWER AND JURISDICTION OF THE PROBATE COURT.

16 (B) THE CIRCUIT COURT AND 1 OR MORE CIRCUIT JUDGES MAY EXER-
17 CISE THE POWER AND JURISDICTION OF THE DISTRICT COURT WITHIN THE
18 COUNTY-FUNDED DISTRICT COURT DISTRICT.

19 (C) THE PROBATE COURT AND 1 OR MORE PROBATE JUDGES MAY EXER-
20 CISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT.

21 (D) THE PROBATE COURT AND 1 OR MORE PROBATE JUDGES MAY EXER-
22 CISE THE POWER AND JURISDICTION OF THE DISTRICT COURT WITHIN THE
23 COUNTY-FUNDED DISTRICT COURT DISTRICT.

24 (E) THE DISTRICT COURT AND 1 OR MORE DISTRICT JUDGES IN THE
25 COUNTY-FUNDED DISTRICT COURT DISTRICT WITHIN THE COUNTY MAY EXER-
26 CISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT.

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260 as amended December 10, 2002

5

1 (F) THE DISTRICT COURT AND 1 OR MORE DISTRICT JUDGES IN THE
2 COUNTY-FUNDED DISTRICT COURT DISTRICT WITHIN THE COUNTY MAY
3 EXERCISE THE POWER AND JURISDICTION OF THE PROBATE COURT.

4 (3) A PLAN OF CONCURRENT JURISDICTION SHALL PROVIDE FOR THE
5 TRANSFER OR ASSIGNMENT OF CASES BETWEEN THE TRIAL COURTS AFFECTED
6 BY THE PLAN AND TO INDIVIDUAL JUDGES OF THOSE COURTS AS NECESSARY
7 TO IMPLEMENT THE PLAN AND TO FAIRLY DISTRIBUTE THE WORKLOAD AMONG
8 THOSE JUDGES.

9 (4) A PLAN OF CONCURRENT JURISDICTION SHALL BECOME EFFECTIVE
10 ON THE FIRST DAY OF THE MONTH AT LEAST 90 DAYS AFTER THE APPROVAL
11 OF THE PLAN BY THE SUPREME COURT.

12 SEC. 408. (1) WITHIN THE COUNTIES OF GENESEE, INGHAM, KENT,
13 MACOMB, OAKLAND, WASHTENAW, AND WAYNE, THE CIRCUIT JUDGES, THE
14 PROBATE JUDGES, AND THE DISTRICT JUDGES IN 1 OR
15 MORE DISTRICT COURT DISTRICTS WITHIN THE COUNTY, SUBJECT TO
16 APPROVAL BY THE STATE SUPREME COURT AND SUBJECT TO THE LIMITA-
17 TIONS CONTAINED IN SECTIONS 410, 601, 841, AND 8304, BY A MAJOR-
18 ITY VOTE OF EACH GROUP OF JUDGES, MAY ADOPT 1 OR MORE PLANS OF
19 CONCURRENT JURISDICTION FOR THE PARTICIPATING TRIAL COURTS IN
20 THAT COUNTY.

21 (2) A PLAN OF CONCURRENT JURISDICTION UNDER THIS SECTION MAY
22 PROVIDE FOR 1 OR MORE OF THE FOLLOWING:

23 (A) THE CIRCUIT COURT AND 1 OR MORE CIRCUIT JUDGES MAY EXER-
24 CISE THE POWER AND JURISDICTION OF THE PROBATE COURT.

25 (B) THE CIRCUIT COURT AND 1 OR MORE CIRCUIT JUDGES MAY EXER-
26 CISE THE POWER AND JURISDICTION OF THE DISTRICT COURT WITHIN THE
27 PARTICIPATING DISTRICT COURT DISTRICTS WITHIN THE COUNTY.

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260

6

1 (C) THE PROBATE COURT AND 1 OR MORE PROBATE JUDGES MAY
2 EXERCISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT.

3 (D) THE PROBATE COURT AND 1 OR MORE PROBATE JUDGES MAY EXER-
4 CISE THE POWER AND JURISDICTION OF THE DISTRICT COURT WITHIN THE
5 PARTICIPATING DISTRICT COURT DISTRICTS WITHIN THE COUNTY.

6 (E) THE DISTRICT COURT AND 1 OR MORE DISTRICT JUDGES IN THE
7 PARTICIPATING DISTRICT COURT DISTRICTS WITHIN THE COUNTY MAY
8 EXERCISE THE POWER AND JURISDICTION OF THE CIRCUIT COURT.

9 (F) THE DISTRICT COURT AND 1 OR MORE DISTRICT JUDGES IN THE
10 PARTICIPATING DISTRICT COURT DISTRICTS WITHIN THE COUNTY MAY
11 EXERCISE THE POWER AND JURISDICTION OF THE PROBATE COURT.

12 (3) A PLAN OF CONCURRENT JURISDICTION SHALL PROVIDE FOR THE
13 TRANSFER OR ASSIGNMENT OF CASES BETWEEN THE TRIAL COURTS AFFECTED
14 BY THE PLAN AND TO INDIVIDUAL JUDGES OF THOSE COURTS AS NECESSARY
15 TO IMPLEMENT THE PLAN AND TO FAIRLY DISTRIBUTE THE WORKLOAD AMONG
16 THOSE JUDGES.

17 (4) A PLAN OF CONCURRENT JURISDICTION INVOLVING DISTRICT
18 COURT DISTRICTS OF THE THIRD CLASS MAY INCLUDE AN AGREEMENT AS TO
19 THE ALLOCATION OF COURT REVENUE, OTHER THAN REVENUE PAYABLE BY
20 STATUTE TO LIBRARIES OR STATE FUNDS, AND COURT EXPENSES. THIS
21 AGREEMENT IS SUBJECT TO APPROVAL BY THE COUNTY BOARD OF COMMIS-
22 SIONERS AND BY EACH LOCAL FUNDING UNIT OF EACH PARTICIPATING DIS-
23 TRICT OF THE THIRD CLASS.

24 (5) A PLAN OF CONCURRENT JURISDICTION SHALL BECOME EFFECTIVE
25 ON THE FIRST DAY OF THE MONTH AT LEAST 90 DAYS AFTER THE APPROVAL
26 OF THE PLAN BY THE SUPREME COURT.

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260

8

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

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

5 (2) The circuit court has exclusive jurisdiction over con-
6 demnation cases commenced under the drain code of 1956, ~~Act~~
7 ~~No. 40 of the Public Acts of 1956, being sections 280.1 to~~
8 ~~280.630 of the Michigan Compiled Laws~~ 1956 PA 40, MCL 280.1 TO
9 280.630.

10 (3) IN A JUDICIAL CIRCUIT IN WHICH THE CIRCUIT COURT IS
11 AFFECTED BY A PLAN OF CONCURRENT JURISDICTION ADOPTED UNDER CHAP-
12 TER 4, THE CIRCUIT COURT HAS CONCURRENT JURISDICTION WITH THE
13 PROBATE COURT OR THE DISTRICT COURT, OR BOTH, AS PROVIDED IN THE
14 PLAN OF CONCURRENT JURISDICTION, EXCEPT AS TO THE FOLLOWING
15 MATTERS:

16 (A) THE PROBATE COURT SHALL HAVE EXCLUSIVE JURISDICTION OVER
17 TRUST AND ESTATE MATTERS.

18 (B) THE DISTRICT COURT SHALL HAVE EXCLUSIVE JURISDICTION
19 OVER SMALL CLAIMS AND CIVIL INFRACTION ACTIONS.

20 (4) ~~(3)~~ The family division of circuit court has jurisdic-
21 tion as provided in chapter 10.

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

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

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

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260

9

1 (c) As conferred upon it under this act.

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

3 (2) IN A JUDICIAL CIRCUIT IN WHICH THE PROBATE COURT IS
4 AFFECTED BY A PLAN OF CONCURRENT JURISDICTION ADOPTED UNDER CHAP-
5 TER 4, THE PROBATE COURT HAS CONCURRENT JURISDICTION WITH THE
6 CIRCUIT COURT OR THE DISTRICT COURT, OR BOTH, AS PROVIDED IN THE
7 PLAN OF CONCURRENT JURISDICTION, EXCEPT AS TO THE FOLLOWING
8 MATTERS:

9 (A) THE CIRCUIT COURT SHALL HAVE EXCLUSIVE JURISDICTION OVER
10 APPEALS FROM THE DISTRICT COURT AND FROM ADMINISTRATIVE AGENCIES
11 AS AUTHORIZED BY LAW.

12 (B) THE CIRCUIT COURT SHALL HAVE EXCLUSIVE JURISDICTION AND
13 POWER TO ISSUE, HEAR, AND DETERMINE PREROGATIVE AND REMEDIAL
14 WRITS CONSISTENT WITH SECTION 13 OF ARTICLE VI OF THE STATE CON-
15 STITUTION OF 1963.

16 (C) THE CIRCUIT COURT SHALL HAVE EXCLUSIVE JURISDICTION TO
17 HEAR AND DECIDE MATTERS WITHIN THE JURISDICTION OF THE COURT OF
18 CLAIMS UNDER CHAPTER 64.

19 (D) THE DISTRICT COURT SHALL HAVE EXCLUSIVE JURISDICTION
20 OVER SMALL CLAIMS AND CIVIL INFRACTION ACTIONS.

21 SEC. 8304. IN A DISTRICT COURT DISTRICT IN WHICH THE DIS-
22 TRICT COURT IS AFFECTED BY A PLAN OF CONCURRENT JURISDICTION
23 ADOPTED UNDER CHAPTER 4, THE DISTRICT COURT HAS CONCURRENT JURIS-
24 DICTION WITH THE CIRCUIT COURT OR THE PROBATE COURT, OR BOTH, AS
25 PROVIDED IN THE PLAN OF CONCURRENT JURISDICTION, EXCEPT AS TO THE
26 FOLLOWING MATTERS:

HB 6260, As Passed Senate, December 11, 2002

House Bill No. 6260

10

1 (A) THE CIRCUIT COURT SHALL HAVE EXCLUSIVE JURISDICTION OVER
2 APPEALS FROM THE DISTRICT COURT AND FROM ADMINISTRATIVE AGENCIES
3 AS AUTHORIZED BY STATUTE.

4 (B) THE CIRCUIT COURT SHALL HAVE EXCLUSIVE JURISDICTION AND
5 POWER TO ISSUE, HEAR, AND DETERMINE PREROGATIVE AND REMEDIAL
6 WRITS CONSISTENT WITH SECTION 13 OF ARTICLE VI OF THE STATE CON-
7 STITUTION OF 1963.

8 (C) THE CIRCUIT COURT SHALL HAVE EXCLUSIVE JURISDICTION TO
9 HEAR AND DECIDE MATTERS WITHIN THE JURISDICTION OF THE COURT OF
10 CLAIMS UNDER CHAPTER 64.

11 (D) THE PROBATE COURT SHALL HAVE EXCLUSIVE JURISDICTION OVER
12 TRUSTS AND ESTATES.

13 Enacting section 1. This amendatory act takes effect April
14 1, 2003.