

## COURT OF CLAIMS FOLLOW-UP LEGISLATION

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### House Bill 5156

**Sponsor: Rep. Mike Shirkey**

**Committee: Government Operations**

**Complete to 12-2-13**

### A SUMMARY OF HOUSE BILL 5156 AS INTRODUCED 11-14-13

House Bill 5156 would amend Chapter 64 of the Revised Judicature Act, which deals with the Court of Claims. The Court of Claims is the court with the jurisdiction over claims and demands against the State of Michigan and any of its departments or officers. It also has jurisdiction over any counterclaim on the part of the state against any claimant who brings an action in the Court of Claims.

Recent legislation, Public Act 164 of 2013 (Senate Bill 652), transferred the Court of Claims from the 30th Judicial Circuit (Ingham County Circuit Court) to the Michigan Court of Appeals.

Under PA 164, the Court of Claims now consists of four appeals court judges from at least two Court of Appeals districts assigned by the Michigan Supreme Court. All matters pending in the Court of Claims as of the bill's effective date (November 12, 2013) were transferred to the clerk of the Court of Appeals, acting as the clerk of the Court of Claims, for assignment to a Court of Appeals judge sitting as a Court of Claims judge.

House Bill 5156 would amend the Court of Claims chapter of the RJA to specify that (1) nothing in the chapter eliminates or creates any right a claimant may have to a trial by jury; and (2) nothing in the chapter deprives the circuit or district court of jurisdiction to hear and determine a claim for which there is a right to a trial by jury as provided by law. The bill states that if a claimant has the right to a trial by jury and asserts that right as required by law, the claim may be heard and determined by a circuit or district court in the appropriate venue.

The bill also would specify that for declaratory or equitable relief sought by a claimant within the jurisdiction of the Court of Claims and arising out of the same transaction or series of transaction with a matter asserted for which a claimant has the right to a trial by jury, the Court of Claims would retain exclusive jurisdiction over the matter of declaratory or equitable relief until a final judgment has been entered, and the matter would be stayed until final judgment on the matter of declaratory or equitable relief.

This would apply unless cases are joined as described in an existing provision of the act that says:

*With the approval of all parties, any matter within the jurisdiction of the court of claims described in Section 6419(1) may be joined for trial with cases arising out of the same transaction or series of transactions which that are pending in any of the various trial courts of the state. A case in the court of claims that has been joined with the approval of all parties shall be tried and determined by the judge even though the trial court action with which it may be joined is tried to a jury under the supervision of the same trial judge.*

**FISCAL IMPACT:**

This is companion legislation to the recently enacted Senate Bill 652 (PA 164). There is a separate summary available with a fiscal impact statement on that legislation. A fiscal analysis of House Bill 5156 is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.