



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5156 (Substitute H-4 as passed by the House)
Sponsor: Representative Mike Shirkey
House Committee: Government Operations

CONTENT

The bill would amend Chapter 64 (Court of Claims) of the Revised Judicature Act to do the following:

- Indicate that Chapter 64 would not affect a party's right to a jury trial that existed before the Court of Claims was transferred from the Ingham County Circuit Court to the Court of Appeals.
- Specify that Chapter 64 would not deprive a trial court of its jurisdiction to hear a claim for which there was a right to a jury trial.
- Provide for the jurisdiction of the Court of Claims regarding a matter that was pending in a trial court when the Court of Claims was transferred to the Court of Appeals.
- Provide that the Court of Claims would retain exclusive jurisdiction over a matter of declaratory or equitable relief arising out of the same transaction as a matter for which a party had the right to a jury trial until a final judgment was entered, unless all of the parties approved a joinder.

Specifically, the bill states that nothing in Chapter 64 would eliminate or create any right a party may have to a trial by jury, including any right that existed before November 12, 2013 (the effective date of Public Act 164 of 2013, which transferred the Court of Claims from the Ingham County Circuit Court to the Court of Appeals). The bill also states that nothing in Chapter 64 would deprive the circuit, district, or probate court of jurisdiction to hear and determine a claim for which there was a right to a jury trial as otherwise provided by law, including a claim against an individual employee of the State for which there was a right to a jury trial. Except as otherwise provided in the bill, if a party had the right to a jury trial and asserted that right as required by law, the claim could be heard and determined by a circuit, district, or probate court in the appropriate venue.

The jurisdiction of the Court of Claims in a matter within its jurisdiction and pending in any circuit, district, or probate court on November 12, 2013, would be as follows:

- If the matter were not transferred to the Court of Appeals pursuant to Public Act 164, the jurisdiction of the Court of Claims would not be exclusive and the circuit, district, or probate court could continue to exercise jurisdiction over the matter.
- If the matter were transferred pursuant to Public Act 164, the Court of Claims would have exclusive jurisdiction over the matter, subject to the provisions of the bill that would authorize a party who had the right to a jury trial to assert that right in the circuit, district, or probate court.

For declaratory or equitable relief or a demand for extraordinary writ sought by a party within the jurisdiction of the Court of Claims and arising out of the same transaction or series of transactions as a matter for which a party had the right to a jury trial, the Court of

Claims would retain exclusive jurisdiction over the matter of declaratory or equitable relief or a demand for extraordinary writ until a final judgment was entered, unless all parties approved joining the matter for trial with the case arising out of the same transaction or series of transactions that was pending in a State trial court. The matter for which a party had the right to a jury trial would be stayed until final judgment on the other matter.

MCL 600.6421

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 12-9-13

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.