

SUBSTITUTE FOR
HOUSE BILL NO. 5156

(as amended December 4, 2013)

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 6421 (MCL 600.6421), as amended by 2013 PA 164.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6421. (1) NOTHING IN THIS CHAPTER ELIMINATES OR CREATES
2 ANY RIGHT A PARTY MAY HAVE TO A TRIAL BY JURY, INCLUDING ANY RIGHT
3 THAT EXISTED BEFORE NOVEMBER 12, 2013. NOTHING IN THIS CHAPTER
4 DEPRIVES THE CIRCUIT, DISTRICT, OR PROBATE COURT OF JURISDICTION TO
5 HEAR AND DETERMINE A CLAIM FOR WHICH THERE IS A RIGHT TO A TRIAL BY
6 JURY AS OTHERWISE PROVIDED BY LAW[, INCLUDING A CLAIM AGAINST AN
 INDIVIDUAL EMPLOYEE OF THIS STATE FOR WHICH THERE IS A RIGHT TO A TRIAL
 BY JURY AS OTHERWISE PROVIDED BY LAW]. EXCEPT AS OTHERWISE PROVIDED IN
7 THIS SECTION, IF A PARTY HAS THE RIGHT TO A TRIAL BY JURY AND
8 ASSERTS THAT RIGHT AS REQUIRED BY LAW, THE CLAIM MAY BE HEARD AND
9 DETERMINED BY A CIRCUIT, DISTRICT, OR PROBATE COURT IN THE

1 APPROPRIATE VENUE.

2 (2) FOR DECLARATORY OR EQUITABLE RELIEF OR A DEMAND FOR
3 EXTRAORDINARY WRIT SOUGHT BY A PARTY WITHIN THE JURISDICTION OF THE
4 COURT OF CLAIMS DESCRIBED IN SECTION 6419(1) AND ARISING OUT OF THE
5 SAME TRANSACTION OR SERIES OF TRANSACTIONS WITH A MATTER ASSERTED
6 FOR WHICH A PARTY HAS THE RIGHT TO A TRIAL BY JURY UNDER SUBSECTION
7 (1), UNLESS JOINED AS PROVIDED IN SUBSECTION (3), THE COURT OF
8 CLAIMS SHALL RETAIN EXCLUSIVE JURISDICTION OVER THE MATTER OF
9 DECLARATORY OR EQUITABLE RELIEF OR A DEMAND FOR EXTRAORDINARY WRIT
10 UNTIL A FINAL JUDGMENT HAS BEEN ENTERED, AND THE MATTER ASSERTED
11 FOR WHICH A PARTY HAS THE RIGHT TO A TRIAL BY JURY UNDER SUBSECTION
12 (1) SHALL BE STAYED UNTIL FINAL JUDGMENT ON THE MATTER OF
13 DECLARATORY OR EQUITABLE RELIEF OR A DEMAND FOR EXTRAORDINARY WRIT.

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

23 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), THE COURT OF CLAIMS'
24 JURISDICTION IN A MATTER WITHIN ITS JURISDICTION AS DESCRIBED IN
25 SECTION 6419(1) AND PENDING IN ANY CIRCUIT, DISTRICT, OR PROBATE
26 COURT ON NOVEMBER 12, 2013 IS AS FOLLOWS:

27 (A) IF THE MATTER IS NOT TRANSFERRED UNDER SECTION 6404(3),

1 THE JURISDICTION OF THE COURT OF CLAIMS IS NOT EXCLUSIVE AND THE
2 CIRCUIT, DISTRICT, OR PROBATE COURT MAY CONTINUE TO EXERCISE
3 JURISDICTION OVER THAT MATTER.

4 (B) IF THE MATTER IS TRANSFERRED TO THE COURT OF CLAIMS UNDER
5 SECTION 6404(3), THE COURT OF CLAIMS HAS EXCLUSIVE JURISDICTION
6 OVER THE MATTER, SUBJECT TO SUBSECTION (1).

7 (5) SUBSECTION (4) DOES NOT APPLY TO MATTERS TRANSFERRED TO
8 THE COURT OF CLAIMS UNDER SECTION 6404(2).