

Legislative Analysis



COURT OF CLAIMS: DEADLINE TO FILE

House Bill 5939 as reported from committee
Sponsor: Rep. Jim Haadsma
Committee: Judiciary
Complete to 12-13-24

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Under Chapter 64 of the Revised Judicature Act, persons may initiate a civil action against the *state or any of its departments or officers* by filing in the Court of Claims¹ within one year after the claim has accrued (i.e., the point in time when the legal *cause of action*² comes into existence). House Bill 5939 would amend section 6431 of the act to allow civil claims to be brought against the state either within the current one-year period **or** within the statute of limitations applicable to the particular cause of action, whichever is later.³ The bill would also add language clarifying that section 6431 applies exclusively to actions brought in the Court of Claims.

State or any of its departments or officers means any of the following:

- The state.
- Any state governing, legislative, or judicial body, department, commission, board, institution, arm, or agency of the state.
- An officer, employee, or volunteer of the state or any governing, legislative, or judicial body, department, commission, board, institution, arm, or agency of the state acting (or who reasonably believes they are acting) within the scope of their authority while engaged in or discharging a government function in the course of their duties.

MCL 600.6431

FISCAL IMPACT:

House Bill 5939 could have an indeterminate fiscal impact on the Court of Claims if provisions of the bill result in an increase in the number of cases heard by the court.

POSITIONS:

A representative of Fagan McManus, PC testified in support of the bill. (12-4-24)

The Department of Attorney General indicated opposition to the bill. (12-4-24).

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Fiscal Analyst: Robin Risko

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

¹ The Court of Claims is the statewide trial court with limited jurisdiction over all civil suits filed against the state or any of its departments or officers.

² A *cause of action* is the set of factual elements that allow for a legal remedy.

³ In Michigan, the statute of limitations on civil claims ranges from three to ten years, depending on the type of claim.