

LEGISLATIVE INTERVENTION IN COURT CASES

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<http://www.house.mi.gov/hfa>

House Bill 6553 as introduced
Sponsor: Rep. Rob VerHeulen
Committee: Government Operations
Complete to 12-4-18

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

SUMMARY:

House Bill 6553 would amend Chapter 2 of the Revised Statutes of 1846 (“Of the Legislature”) by adding a new section to authorize the legislature and each house of the legislature to intervene in any action in any court of this state if the legislature or house felt the intervention necessary to protect a right or interest of the state or of that body.

The right of intervention proposed by the bill would exist at any stage of the proceeding. Each house could prosecute an appeal or apply for a rehearing or take any other action that could be taken by any of the parties to the litigation. This right of intervention would apply to all matters pending when the bill takes effect and to any filed later. Each house could adopt rules to facilitate the bill’s provisions.

Proposed MCL 4.83a

FISCAL IMPACT:

House Bill 6553 could potentially create new costs for the legislature, which would be directly related to the number and complexity of cases in which the legislature chose to intervene. It is unclear if the legislature would hire additional staff or contract with outside legal counsel to perform any functions authorized under the bill. According to the State Bar of Michigan 2017 Economics of Law Practice Attorney Income and Billing Rate Summary Report, the median hourly billing rate for a private attorney is \$250. Using the average cost of an Assistant Attorney General, each legal staff person hired could increase costs by approximately \$180,000 annually.

The bill could also have an indeterminate fiscal impact on local court funding units. Any new costs would depend on how provisions of the bill affected court caseloads and related administrative costs.

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