

HOUSE BILL NO. 4223

February 11, 2021, Introduced by Reps. LaGrand, Filler and Scott and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6410 and 6413 (MCL 600.6410 and 600.6413), as amended by 2013 PA 164.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6410. (1) The clerk of the court of appeals shall serve
2 as the clerk of the court of claims **for purposes of receiving a**
3 **filing under subsection (2), or for filing a notice of intention to**
4 **file a claim under section 6431, assigning a cause of action under**

1 subsection (3), and all other matters requiring the attention of
2 the clerk in a matter before the case is assigned under subsection
3 (2).

4 (2) A plaintiff ~~may~~**shall** file a cause of action in the court
5 of claims in any court of appeals district. **After issuing a**
6 **summons, the clerk of the court of appeals shall forward a cause of**
7 **action filed under this section to the clerk of the circuit court**
8 **in which the matter will be heard. After a matter is forwarded as**
9 **provided in this subsection, the clerk of the circuit court where**
10 **the matter is assigned shall act as the clerk of the court of**
11 **claims for that matter.**

12 (3) The clerk of the court of ~~claims~~**appeals** shall, by blind
13 draw, assign a cause of action filed in the court of claims to a
14 **judge of the circuit** court ~~of appeals judge~~ sitting as a court of
15 claims judge.

16 (4) For making copies of records, proceedings, and testimony
17 and furnishing the same at the request of the claimant, or any
18 other person, the clerk of the court of claims or any reporter or
19 recorder serving in the court of claims ~~shall be~~**is** entitled, in
20 addition to salary, to the same fees as are by law provided for
21 court reporters or recorders in the circuit court. No charge ~~shall~~
22 **may** be made against ~~the~~**this** state for services rendered for
23 furnishing copies of records, proceedings, or testimony or other
24 papers to the attorney general.

25 (5) Process issued by the court may be served by any member of
26 the ~~Michigan~~**department of** state police as well as any other
27 officer or person authorized to serve process issued out of the
28 circuit court.

29 Sec. 6413. (1) The court of claims shall sit in the **circuit**

1 ~~court of appeals district~~ where a ~~the judge of the circuit~~ court of
2 ~~appeals judge~~ serving as a judge of the court of claims sits,
3 unless otherwise determined by the chief judge of the court of
4 claims.

5 **(2) This state shall reimburse the counties in which the court**
6 **of claims sits for the reasonable and actual costs incurred by**
7 **those counties for implementing jurisdictional duties in the**
8 **circuit court imposed on the counties by this chapter. The counties**
9 **in which the court of claims sits shall submit quarterly the**
10 **counties' itemized costs as described in this section to the state**
11 **court administrative office. After determination by the state court**
12 **administrator of the reasonableness of the amount to be paid,**
13 **payment must be made under the accounting laws of this state.**
14 **Determination of reasonableness by the state court administrator is**
15 **conclusive.**

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 4222 (request no.
18 00263'21 *) of the 101st Legislature is enacted into law.