

HOUSE BILL NO. 5304

December 19, 2019, Introduced by Reps. Filler and Elder and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6404, 6410, and 6413 (MCL 600.6404, 600.6410, and 600.6413), as amended by 2013 PA 164.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6404. (1) The court of claims consists of 4 ~~court of~~
2 ~~appeals judges from at least 2 court of appeals districts or more~~
3 **judges of the circuit court** assigned by the supreme court **as**
4 **provided in this subsection.** A ~~court of appeals judge~~ **judge of the**
5 **circuit court** while sitting as a judge of the court of claims may



1 exercise the jurisdiction of the court of claims as provided by
2 law. **In assigning the judges of the circuit court who will sit as**
3 **judges of the court of claims, the supreme court shall ensure all**
4 **of the following:**

5 (a) **Not less than 1 judge of the circuit court in each of the**
6 **4 court of appeals districts is assigned to sit as a judge of the**
7 **court of claims.**

8 (b) **Not less than 1 judge of the circuit court from a county**
9 **with a population of less than 60,000 people is assigned to sit as**
10 **a judge of the court of claims.**

11 (c) **Not more than half of the judges of the circuit court**
12 **assigned to sit as judges of the court of claims are from counties**
13 **that have populations of more than 250,000 people.**

14 (2) All matters pending in the court of claims as of the
15 effective date of the amendatory act that ~~added~~**amended** this
16 subsection ~~shall~~**must** be transferred to the clerk of the court of
17 appeals, acting as the clerk of the court of claims, for assignment
18 to ~~a court of appeals judge~~**the judge of the circuit court** sitting
19 as a court of claims judge pursuant to section 6410. The transfer
20 ~~shall be~~**is** effective on the effective date of the amendatory act
21 that ~~added~~**amended** this subsection. **After a matter is assigned to**
22 **the judge of the circuit court, the clerk of the circuit court**
23 **where the matter is assigned shall act as the clerk of the court of**
24 **claims for that matter.**

25 (3) Beginning on the effective date of the amendatory act that
26 ~~added~~**amended** this subsection, any matter within the jurisdiction
27 of the court of claims described in section 6419(1) pending or
28 later filed in any court must, upon notice of the state or a
29 department or officer of the state, be transferred to the court of



1 claims described in subsection (1). The transfer ~~shall be~~ **is**
 2 effective upon the filing of the transfer notice. The state or a
 3 department or officer of this state shall file a copy of the
 4 transfer notice with the clerk of the court of appeals, who shall
 5 act as the clerk of the court of claims, for **purposes of** assignment
 6 to ~~a the judge of the circuit court of appeals judge~~ sitting as a
 7 court of claims judge pursuant to section 6410. **After a matter is**
 8 **assigned to the judge of the circuit court, the clerk of the**
 9 **circuit court where the matter is assigned shall act as the clerk**
 10 **of the court of claims for that matter.**

11 (4) If a judge assigned to serve on the court of claims is
 12 disabled, disqualified, or otherwise unable to attend to a matter,
 13 another judge assigned to sit as a judge of the court of claims may
 14 continue, hear, determine, and sign orders and other documents in
 15 the matter. **The state court administrator may assign a replacement**
 16 **judge to sit as a court of claims judge for that matter only.**

17 (5) ~~In case a court of appeals~~ **If a judge designated to sit as**
 18 ~~the judge of~~ **assigned to serve on** the court of claims dies before
 19 signing a judgment and after filing a finding of fact or rendering
 20 an opinion upon proof submitted and argument of counsel disposing
 21 of all or part of the issues in the case involved, a successor as
 22 judge of the court of claims may proceed with that action in a
 23 manner consistent with the finding or opinion and the judge is
 24 given the same powers as if the finding of fact had been made or
 25 the opinion had been rendered by the successor judge.

26 (6) A judge assigned ~~as a judge of~~ **to serve on** the court of
 27 claims ~~shall~~ **must** be assigned for a term of 2 years and may be
 28 reassigned at the expiration of that term.

29 (7) The term of a judge of the court of claims expires on May



1 1 of each odd-numbered year.

2 (8) When a judge who is sitting as a judge of the court of
3 claims leaves office or is otherwise unable to serve as a judge of
4 the court of claims, the supreme court may assign a ~~court of~~
5 ~~appeals judge~~ **judge of the circuit court** to serve for the remainder
6 of the judge's term on the court of claims.

7 (9) The supreme court shall select a chief judge of the court
8 of claims from among the ~~court of appeals judges~~ **judges of the**
9 **circuit** assigned to the court of claims.

10 Sec. 6410. (1) The clerk of the court of appeals shall serve
11 as the clerk of the court of claims **for purposes of receiving a**
12 **filing under subsection (2), or for filing a notice of intention to**
13 **file a claim under section 6431, assigning a cause of action under**
14 **subsection (3), and all other matters requiring the attention of**
15 **the clerk in a matter before the case is assigned under subsection**
16 **(2).**

17 (2) A plaintiff ~~may~~ **shall** file a cause of action in the court
18 of claims in any court of appeals district. **After issuing a**
19 **summons, the clerk of the court of appeals shall forward a cause of**
20 **action filed under this section to the clerk of the circuit court**
21 **in which the matter will be heard. After a matter is forwarded as**
22 **provided in this subsection, the clerk of the circuit court where**
23 **the matter is assigned shall act as the clerk of the court of**
24 **claims for that matter.**

25 (3) The clerk of the court of ~~claims~~ **appeals** shall, by blind
26 draw, assign a cause of action filed in the court of claims to a
27 **judge of the circuit** court ~~of appeals judge~~ sitting as a court of
28 claims judge.

29 (4) For making copies of records, proceedings, and testimony

1 and furnishing the same at the request of the claimant, or any
 2 other person, the clerk of the court of claims or any reporter or
 3 recorder serving in the court of claims ~~shall be~~ **is** entitled, in
 4 addition to salary, to the same fees as are by law provided for
 5 court reporters or recorders in the circuit court. No charge ~~shall~~
 6 **may** be made against the state for services rendered for furnishing
 7 copies of records, proceedings, or testimony or other papers to the
 8 attorney general.

9 (5) Process issued by the court may be served by any member of
 10 the ~~Michigan department of~~ state police as well as any other
 11 officer or person authorized to serve process issued out of the
 12 circuit court.

13 Sec. 6413. **(1)** The court of claims shall sit in the **circuit**
 14 ~~court of appeals district~~ where ~~a~~ **the judge of the circuit** court ~~of~~
 15 ~~appeals judge~~ serving as a judge of the court of claims sits,
 16 unless otherwise determined by the chief judge of the court of
 17 claims.

18 **(2)** The state shall reimburse the counties in which the court
 19 of claims sits for the reasonable and actual costs incurred by
 20 those counties for implementing jurisdictional duties in the
 21 circuit court imposed on the counties by this chapter. The counties
 22 in which the court of claims sits shall submit quarterly the
 23 counties' itemized costs as described in this section to the state
 24 court administrative office. After determination by the state court
 25 administrator of the reasonableness of the amount to be paid,
 26 payment must be made under the accounting laws of this state.
 27 Determination of reasonableness by the state court administrator is
 28 conclusive.

