

**SUBSTITUTE FOR  
HOUSE BILL NO. 5512**

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9948) by adding sections 308b, 308c, and  
308d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 308B. (1) IF A TAXPAYER OF THE STATE BRINGS AN ACTION  
2 IN THE COURT OF APPEALS UNDER SECTION 32 OF ARTICLE IX OF THE  
3 STATE CONSTITUTION OF 1963, THE COURT OF APPEALS MAY DESIGNATE A  
4 PERSON TO BE A FACT FINDER FOR THAT ACTION. THE FACT FINDER  
5 SHALL CONDUCT HEARINGS AND PREPARE PROPOSED FINDINGS OF FACT,  
6 WHICH SHALL BE MADE ON THE RECORD. A PERSON DESIGNATED TO SERVE  
7 AS A FACT FINDER UNDER THIS SECTION MAY BE A JUDGE OR A RETIRED  
8 JUDGE.

9        (2) THE COURT OF APPEALS SHALL ESTABLISH DEADLINES WITHIN  
10 WHICH A FACT FINDER SHALL CONCLUDE ANY HEARINGS AND FILE A

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1 WRITTEN REPORT OF FINDINGS UNDER SUBSECTION (1). THE DEADLINES  
2 SHALL BE FIXED SO AS TO ENSURE THAT THE ACTION IS ADJUDICATED  
3 PROMPTLY.

4 (3) A FACT FINDER DESIGNATED UNDER THIS SECTION, WITH OR  
5 WITHOUT A MOTION BY A PARTY, MAY ORDER DISCOVERY AS OTHERWISE  
6 PERMITTED BY THE MICHIGAN COURT RULES OF 1985 OR SUCCESSOR COURT  
7 RULES.

8 SEC. 308C. (1) THE SUPREME COURT AND THE COURT OF APPEALS  
9 SHALL EXPEDITIOUSLY ADJUDICATE AN APPEAL FROM CIRCUIT COURT IN AN  
10 ACTION COMMENCED IN CIRCUIT COURT BY A TAXPAYER UNDER SECTION 32  
11 OF ARTICLE IX OF THE STATE CONSTITUTION OF 1963.

12 (2) IF, IN AN APPEAL DESCRIBED IN SUBSECTION (1), THE COURT  
13 OF APPEALS OR THE SUPREME COURT DETERMINES THAT 1 OR MORE FACTS  
14 OF CONSEQUENCE TO THE PROPER DETERMINATION OF THE APPEAL REMAIN  
15 UNRESOLVED, OR THAT ANY FACT FINDING BY THE CIRCUIT COURT WAS  
16 CLEARLY ERRONEOUS AND FURTHER FACT FINDING IN THAT RESPECT IS  
17 NECESSARY, THE COURT OF APPEALS OR THE SUPREME COURT, WHILE  
18 RETAINING JURISDICTION AND BY IMPOSING DEADLINES IN CONFORMITY  
19 WITH SECTION 308B(2), SHALL REMAND TO THE TRIAL COURT FOR FACT  
20 FINDING AND, UPON RECEIPT OF THE FINDINGS, SHALL PROCEED PROMPTLY  
21 TO A RESOLUTION OF THE APPEAL ON THE MERITS.

22 SEC. 308D. IN THE EVENT OF JUDICIAL REVIEW OF ANY DECISION  
23 OR ORDER OF THE LOCAL GOVERNMENT CLAIMS REVIEW BOARD ESTABLISHED  
24 UNDER SECTION 10 OF 1979 PA 101, MCL 21.240, THE COURT CONDUCTING  
25 THE REVIEW OR CONSIDERING ANY FURTHER APPEAL FROM A LOWER COURT  
26 SHALL ADJUDICATE THE REVIEW PROCEEDING OR APPEAL EXPEDITIOUSLY.  
27 IF THE COURT CONDUCTING THE REVIEW OR CONSIDERING ANY FURTHER

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1 APPEAL FROM A LOWER COURT DETERMINES THAT 1 OR MORE FACTS OF  
2 CONSEQUENCE TO THE PROPER DETERMINATION OF THE APPEAL REMAIN  
3 UNRESOLVED, OR THAT ANY FACT FINDING BY THE BOARD WAS CLEARLY  
4 ERRONEOUS AND FURTHER FACT FINDING IN THAT RESPECT IS NECESSARY,  
5 THE COURT, WHILE RETAINING JURISDICTION AND BY IMPOSING DEADLINES  
6 IN CONFORMITY WITH SECTION 308B(2), SHALL REMAND TO THE BOARD FOR  
7 FACT FINDING AND, UPON RECEIPT OF THE FINDINGS, SHALL PROCEED  
8 PROMPTLY TO A RESOLUTION OF THE REVIEW PROCEEDING OR APPEAL ON  
9 THE MERITS.