

HOUSE BILL NO. 4222

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

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 6404 (MCL 600.6404), 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~~ **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 is assigned to sit as a judge
10 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.

14 (2) All matters pending in the court of claims as of the
15 effective date of the amendatory act that added ~~this~~ subsection
16 ~~shall~~ **(1) (a) to (c) must** be transferred to the clerk of the court
17 of appeals, acting as the clerk of the court of claims, for
18 assignment to ~~a court of appeals judge~~ **the judge of the circuit**
19 **court** sitting as a court of claims judge pursuant to section 6410.
20 The transfer ~~shall be~~ **is** effective on the effective date of the
21 amendatory act that added ~~this~~ subsection **(1) (a) to (c)**. **After a**
22 **matter is assigned to the judge of the circuit court, the clerk of**
23 **the circuit court where the matter is assigned shall act as the**
24 **clerk of the court of claims for that matter.**

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

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

10 Enacting section 1. This amendatory act does not take effect
11 unless Senate Bill No. _____ or House Bill No. 4223 (request no.
12 01799'21) of the 101st Legislature is enacted into law.