

SENATE BILL No. 519

May 30, 2001, Introduced by Senators SIKKEMA, JOHNSON, KOIVISTO, STEIL, BULLARD and NORTH and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 6404, 6407, 6410, 6413, and 6461 (MCL
600.6404, 600.6407, 600.6410, 600.6413, and 600.6461), section
6410 as amended by 1986 PA 308, and by adding section 6408.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6404. (1) The court of claims is created as a function
2 of the circuit court for the thirtieth judicial circuit, THE
3 SEVENTEENTH JUDICIAL CIRCUIT, THE SIXTH JUDICIAL CIRCUIT, THE
4 THIRD JUDICIAL CIRCUIT, AND THE TWENTY-FIFTH JUDICIAL CIRCUIT. A
5 circuit judge of ~~the thirtieth~~ ANY OF THOSE judicial ~~circuit~~
6 CIRCUITS and any judge assigned into ~~the thirtieth~~ ANY OF THOSE
7 judicial ~~circuit~~ CIRCUITS by the state court administrator may
8 exercise the jurisdiction of the court of claims as provided by
9 law. THE CHIEF JUDGE OF EACH OF THOSE CIRCUITS SHALL DESIGNATE

1 AT LEAST 2 BUT NOT MORE THAN 3 JUDGES OF THE CIRCUIT WHO SHALL
2 SIT AS JUDGES OF THE COURT OF CLAIMS. THE ASSIGNMENT OF COURT OF
3 CLAIMS CASES TO THOSE JUDGES SHALL BE MADE RANDOMLY.

4 (2) In case of the disability or absence from the place of
5 holding court of a circuit judge before whom, while sitting as
6 the judge of the court of claims, a case has been tried or motion
7 heard, another circuit judge designated to sit as the judge of
8 the court of claims ~~to~~ may continue, hear, determine, and sign
9 all matters that his or her predecessor could have continued,
10 heard, determined, and signed.

11 (3) In case a circuit judge designated to sit as the judge
12 of the court of claims dies before signing a judgment and after
13 filing a finding of fact or rendering an opinion upon proof sub-
14 mitted and argument of counsel disposing of all or part of the
15 issues in the case involved, a successor as judge of the court of
16 claims may proceed with that action in a manner consistent with
17 the finding or opinion and the judge is given the same powers as
18 if the finding of fact had been made or the opinion had been
19 rendered by the successor judge.

20 Sec. 6407. The court shall hold at least 4 sessions in each
21 year. ~~Sessions of the court of claims may be held in the vari-~~
22 ~~ous circuits in the state as the supreme court administrator may~~
23 ~~determine. If the hearing in a particular case is to be held at~~
24 ~~a place other than the city of Lansing, due notice shall be given~~
25 ~~to all interested persons.~~ The sheriff of the county within
26 which a case is heard, or 1 of ~~his~~ THE SHERIFF'S deputies,
27 shall serve as court officer without additional compensation

1 ~~therefor~~ FOR THAT SERVICE. The department of management and
2 budget shall furnish the court with suitable space and equipment
3 in the ~~city~~ CITIES of Lansing, GRAND RAPIDS, PONTIAC, DETROIT,
4 AND MARQUETTE.

5 SEC. 6408. (1) FOR PURPOSES OF THIS CHAPTER, THE STATE IS
6 DIVIDED INTO 5 JUDICIAL DISTRICTS. THE DISTRICTS ARE CONSTITUTED
7 AND NUMBERED AS FOLLOWS:

8 (A) DISTRICT 1 CONSISTS OF THE COUNTIES OF WAYNE, MONROE,
9 AND LENAWE. A CAUSE OF ACTION OVER WHICH THE COURT OF CLAIMS
10 HAS JURISDICTION THAT ARISES IN 1 OF THOSE COUNTIES SHALL BE
11 TRIED IN THE THIRD JUDICIAL CIRCUIT.

12 (B) DISTRICT 2 CONSISTS OF THE COUNTIES OF GENESEE,
13 SHIAWASSEE, OAKLAND, AND MACOMB. A CAUSE OF ACTION OVER WHICH
14 THE COURT OF CLAIMS HAS JURISDICTION THAT ARISES IN 1 OF THOSE
15 COUNTIES SHALL BE TRIED IN THE SIXTH JUDICIAL CIRCUIT.

16 (C) DISTRICT 3 CONSISTS OF THE COUNTIES OF BERRIEN, CASS,
17 ST. JOSEPH, BRANCH, HILLSDALE, WASHTENAW, LIVINGSTON, JACKSON,
18 CALHOUN, KALAMAZOO, VAN BUREN, ALLEGAN, BARRY, KENT, OTTAWA, AND
19 MUSKEGON. A CAUSE OF ACTION OVER WHICH THE COURT OF CLAIMS HAS
20 JURISDICTION THAT ARISES IN 1 OF THOSE COUNTIES SHALL BE TRIED IN
21 THE SEVENTEENTH JUDICIAL CIRCUIT.

22 (D) DISTRICT 4 CONSISTS OF THE COUNTIES OF EATON, INGHAM,
23 IONIA, MONTCALM, CLINTON, GRATIOT, SAGINAW, TUSCOLA, LAPEER,
24 ST. CLAIR, SANILAC, HURON, BAY, MIDLAND, ISABELLA, MECOSTA,
25 NEWAYGO, OCEANA, MASON, LAKE, OSCEOLA, CLARE, GLADWIN, ARENAC,
26 IOSCO, OGEMAW, ROSCOMMON, MISSAUKEE, WEXFORD, MANISTEE, BENZIE,
27 GRAND TRAVERSE, LEELANAU, KALKASKA, CRAWFORD, OSCODA, ALCONA,

1 ALPENA, MONTMORENCY, OTSEGO, ANTRIM, EMMET, CHARLEVOIX,
2 CHEBOYGAN, PRESQUE ISLE, LUCE, AND ALGER. A CAUSE OF ACTION OVER
3 WHICH THE COURT OF CLAIMS HAS JURISDICTION THAT ARISES IN 1 OF
4 THOSE COUNTIES SHALL BE TRIED IN THE THIRTIETH JUDICIAL CIRCUIT.

5 (E) DISTRICT 5 CONSISTS OF THE COUNTIES OF MACKINAC,
6 CHIPPEWA, SCHOOLCRAFT, DELTA, MENOMINEE, DICKINSON, MARQUETTE,
7 IRON, BARAGA, HOUGHTON, KEWEENAW, GOGEBIC, AND ONTONAGON. A
8 CAUSE OF ACTION OVER WHICH THE COURT OF CLAIMS HAS JURISDICTION
9 THAT ARISES IN 1 OF THOSE COUNTIES SHALL BE TRIED IN THE
10 TWENTY-FIFTH JUDICIAL CIRCUIT.

11 (2) NOTWITHSTANDING SUBSECTION (1), THE COMPLAINT IN A CAUSE
12 OF ACTION OVER WHICH THE COURT OF CLAIMS HAS JURISDICTION SHALL
13 BE FILED IN THE CIRCUIT COURT FOR THE THIRTIETH JUDICIAL CIRCUIT.

14 Sec. 6410. (1) The circuit judges of ~~the thirtieth~~ EACH
15 OF THE 5 judicial ~~circuit~~ CIRCUITS NAMED IN SECTION 6404(1)
16 shall appoint or remove ~~the~~ A clerk of the court of claims.

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

26 (3) Process issued by the court may be served by any member
27 of the Michigan state police as well as any other officer or

1 person authorized to serve process issued out of the circuit
2 court.

3 Sec. 6413. (1) The state shall reimburse the ~~county~~
4 COUNTIES of Ingham, KENT, OAKLAND, WAYNE, AND MARQUETTE for the
5 reasonable and actual costs incurred by ~~that county~~ THOSE
6 COUNTIES for implementing jurisdictional duties in the circuit
7 court imposed on ~~that county~~ THOSE COUNTIES by this chapter
8 INCLUDING COSTS OF THE CLERK OF THE COURT OF CLAIMS.

9 (2) The ~~county~~ COUNTIES of Ingham, KENT, OAKLAND, WAYNE,
10 AND MARQUETTE shall submit quarterly ~~its~~ THEIR itemized costs
11 as described in this section to the state court administrative
12 office. After determination by the state court administrator of
13 the reasonableness of the amount to be paid, payment shall be
14 made pursuant to the accounting laws of this state.
15 Determination of reasonableness by the state court administrator
16 shall be conclusive.

17 ~~(3) Full-time employees of the court of claims are trans=~~
18 ~~ferred to the circuit court for the thirtieth judicial circuit.~~
19 ~~Seniority rights, annual leave, sick leave, longevity pay and~~
20 ~~retirement benefits to which employees of the court of claims are~~
21 ~~now entitled shall be preserved and the employees shall be con=~~
22 ~~tinued in their positions in the court of claims in the thirtieth~~
23 ~~judicial circuit in a manner not inferior to their prior status.~~
24 ~~The obligation of the state for retirement benefits to employees~~
25 ~~of the court of claims for their accrued service in the court of~~
26 ~~claims shall not be transferred. The retirement system available~~
27 ~~to public employees in Ingham county shall provide retirement~~

~~1 benefits to employees of the court of claims not inferior to
2 those provided therefor under their prior status.~~

3 Sec. 6461. (1) At the commencement of each session of the
4 legislature and at such other times during the session as he OR
5 SHE may deem proper, the clerk of the court OF CLAIMS IN EACH OF
6 THE 5 CIRCUITS NAMED IN SECTION 6404(1) shall report to the leg-
7 islature the claims upon which the court has finally acted, with
8 a statement of the judgment rendered in each case.

9 (2) The clerk shall submit a detailed statement of the
10 amount of each claim allowed by the court to the auditor general
11 and the budget director.