

# HOUSE BILL No. 5817

April 17, 2018, Introduced by Reps. Camilleri, Green, Gay-Dagnogo, Chang, Greimel, Wittenberg, Zemke, Hammoud, Sowerby, Ellison, Geiss, Hertel, Chirkun, LaGrand, Jones and Scott and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 6419 (MCL 600.6419), as amended by 2013 PA 164.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 6419. (1) Except as provided in sections 6421 and 6440,  
2       the jurisdiction of the court of claims, as conferred upon it by  
3       this chapter, is exclusive. All actions initiated in the court of  
4       claims ~~shall~~ **MUST** be filed in the court of appeals. ~~The~~ **SUBJECT TO**  
5       **SUBSECTION (7), THE** state administrative board ~~is vested with~~ **HAS**  
6       discretionary authority ~~upon~~ **ON** the advice of the attorney general  
7       to hear, consider, determine, and allow any claim against ~~the~~ **THIS**  
8       state in an amount less than \$1,000.00. Any claim so allowed by the  
9       state administrative board ~~shall~~ **MUST** be paid in the same manner as  
10      judgments are paid under section 6458 ~~upon~~ **ON** certification of the  
11      allowed claim by the secretary of the state administrative board to

1 the clerk of the court of claims. Except as otherwise provided in  
2 this section, the court has the following power and jurisdiction:

3 (a) To hear and determine any claim or demand, statutory or  
4 constitutional, liquidated or unliquidated, **OR** ex contractu or ex  
5 delicto, ~~or~~ any demand for monetary, equitable, or declaratory  
6 relief, or any demand for an extraordinary writ against the state  
7 or any of its departments or officers notwithstanding another law  
8 that confers jurisdiction of the case in the circuit court.

9 (b) To hear and determine any claim or demand, statutory or  
10 constitutional, liquidated or unliquidated, **OR** ex contractu or ex  
11 delicto, ~~or~~ any demand for monetary, equitable, or declaratory  
12 relief, or any demand for an extraordinary writ that may be pleaded  
13 by way of counterclaim on the part of the state or any of its  
14 departments or officers against any claimant who may bring an  
15 action in the court of claims. Any claim of the state or any of its  
16 departments or officers may be pleaded by way of counterclaim in  
17 any action brought against the state or any of its departments or  
18 officers.

19 (c) To appoint and utilize a special master as the court  
20 considers necessary.

21 (d) To hear and determine any action challenging the validity  
22 of a notice of transfer described in section 6404(2) or (3).

23 (2) ~~The~~ **A** judgment entered by the court of claims ~~upon~~ **ON** any  
24 claim described in subsection (1), either against or in favor of  
25 the state or any of its departments or officers, ~~upon~~ **ON** becoming  
26 final, is res judicata of that claim. ~~Upon~~ **ON** the trial of ~~any~~  
27 ~~cause~~ **AN ACTION** in which ~~any~~ **A** demand is made by the state or any

1 of its departments or officers against the claimant either by way  
2 of setoff, recoupment, or cross declaration, the court shall hear  
3 and determine each claim or demand, and if the court finds a  
4 balance due from the claimant to the state, the court shall render  
5 judgment in favor of the state for the balance. Writs of execution  
6 or garnishment may issue ~~upon~~**ON** the judgment the same as from the  
7 circuit court of this state. ~~The~~**A** judgment entered by the court of  
8 claims ~~upon~~**ON** any claim, either for or against the claimant, is  
9 final unless appealed from as provided in this chapter.

10 (3) The court of claims does not have jurisdiction of any  
11 claim for compensation under either of the following:

12 (a) The worker's disability compensation act of 1969, 1969 PA  
13 317, MCL 418.101 to 418.941.

14 (b) 1937 PA 329, MCL 419.101 to 419.104.

15 (4) This chapter does not deprive the circuit court of this  
16 state of jurisdiction over actions brought by the taxpayer under  
17 the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, ~~upon~~  
18 **IN** the circuit court, ~~or~~ proceedings to review findings as provided  
19 in the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL  
20 421.1 to 421.75, or any other similar tax or employment security  
21 proceedings expressly authorized by the statutes of this state.

22 (5) This chapter does not deprive the circuit court of  
23 exclusive jurisdiction over appeals from the district court and  
24 administrative agencies as authorized by law.

25 (6) This chapter does not deprive the circuit court of  
26 exclusive jurisdiction to issue, hear, and determine prerogative  
27 and remedial writs consistent with section 13 of article VI of the

1 state constitution of 1963.

2 (7) THE STATE ADMINISTRATIVE BOARD HAS DISCRETIONARY AUTHORITY  
3 ON THE ADVICE OF THE ATTORNEY GENERAL TO HEAR, CONSIDER, DETERMINE,  
4 AND ALLOW ANY CLAIM AS PROVIDED IN SUBSECTION (1) IF ALL OF THE  
5 FOLLOWING APPLY TO THE CLAIM:

6 (A) THE CLAIM IS AGAINST THE STATE TRANSPORTATION DEPARTMENT  
7 FOR FAILURE TO MAINTAIN A HIGHWAY UNDER ITS JURISDICTION AS  
8 PROVIDED IN SECTION 2 OF 1964 PA 170, MCL 691.1402.

9 (B) THE CLAIM IS BASED ON THE EXISTENCE OF A POTHOLE IN THE  
10 IMPROVED PORTION OF THE HIGHWAY.

11 (C) THE CLAIM IS IN AN AMOUNT LESS THAN \$5,000.00.

12 (8) ~~(7)~~As used in this section, "the state or any of its  
13 departments or officers" means this state or ~~any state~~ **A** governing,  
14 legislative, or judicial body, department, commission, board,  
15 institution, arm, or agency of ~~the~~ **THIS** state, or an officer,  
16 employee, or volunteer of this state or ~~any~~ **A** governing,  
17 legislative, or judicial body, department, commission, board,  
18 institution, arm, or agency of this state, **IF THE OFFICER,**  
19 **EMPLOYEE, OR VOLUNTEER IS** acting, or ~~who~~ reasonably believes that  
20 he or she is acting, within the scope of his or her authority while  
21 engaged in or discharging a government function in the course of  
22 his or her duties.