

SUBSTITUTE FOR  
HOUSE BILL NO. 4222

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~~ **judges of**  
3 **the circuit court** assigned by the supreme court **as provided in this**  
4 **subsection.** A ~~court of appeals judge~~ **of the circuit court** while  
5 sitting as a judge of the court of claims may exercise the  
6 jurisdiction of the court of claims as provided by law. **In**  
7 **assigning the judges of the circuit court who will sit as judges of**  
8 **the court of claims, the supreme court shall ensure all of the**  
9 **following:**

1           (a) One judge of the circuit court in each of the 4 court of  
2 appeals districts is assigned to sit as a judge of the court of  
3 claims.

4           (b) Not less than 1 judge of the circuit court from a county  
5 with a population of less than 60,000 is assigned to sit as a judge  
6 of the court of claims.

7           (c) Not more than 2 of the judges of the circuit court  
8 assigned to sit as judges of the court of claims are from counties  
9 that have populations of more than 500,000.

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

21           (3) Beginning on the effective date of the amendatory act that  
22 added ~~this~~ subsection **(1) (a) to (c)**, any matter within the  
23 jurisdiction of the court of claims described in section 6419(1)  
24 pending or later filed in any court must, upon notice of ~~the~~ **this**  
25 state or a department or officer of ~~the~~ **this** state, be transferred  
26 to the court of claims described in subsection (1). The transfer  
27 ~~shall be~~ **is** effective upon the filing of the transfer notice. ~~The~~  
28 **This** state or a department or officer of this state shall file a  
29 copy of the transfer notice with the clerk of the court of appeals,

1 who shall act as the clerk of the court of claims, for **purposes of**  
 2 assignment to ~~a~~**the judge of the circuit** court ~~of appeals~~ judge  
 3 sitting as a court of claims judge pursuant to section 6410. **After**  
 4 **a matter is assigned to the judge of the circuit court, the clerk**  
 5 **of the circuit court where the matter is assigned shall act as the**  
 6 **clerk of the court of claims for that matter.**

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

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

22 (6) A judge assigned ~~as a judge of~~**to serve on** the court of  
 23 claims ~~shall be~~**is** assigned for a term of ~~2-6~~ years **or until the**  
 24 **end of his or her elected term, whichever is shorter,** and may be  
 25 reassigned at the expiration of that term.

26 (7) ~~The term of a judge of the court of claims expires on May~~  
 27 ~~1 of each odd-numbered year.~~**The local funding unit and the clerk of**  
 28 **the circuit court where a judge who is assigned to serve on the**  
 29 **court of claims presides shall be notified of the assignment 60**

1 **days before the judge's term begins.**

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 (10) **The court of claims shall provide an electronic means for**  
11 **filing documents and maintain an electronic docket in each case.**  
12 **Unless a party objects, the court of claims shall, whenever**  
13 **possible, conduct hearings on a video conferencing platform that**  
14 **allows for remote appearances by attorneys and parties.**

15 Enacting section 1. This amendatory act takes effect 90 days  
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect  
18 unless House Bill No. 4223 of the 101st Legislature is enacted into  
19 law.