

HOUSE BILL No. 4658

June 2, 2015, Introduced by Reps. McCready, Glardon, Kelly, Rendon, Maturen, Kesto, Vaupel, Leutheuser and Canfield and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 6096.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 6096. (1) NOTWITHSTANDING SECTION 6458, ON A JUDGMENT
2 AGAINST THIS STATE OR A DEPARTMENT BECOMING FINAL, OR ON ALLOWANCE
3 OF A CLAIM BY THE STATE ADMINISTRATIVE BOARD, THE DIRECTOR SHALL
4 CAUSE THE JUDGMENT OR CLAIM TO BE PAID FROM THE UNENCUMBERED
5 APPROPRIATION OF THE DEPARTMENT IF THE DIRECTOR DETERMINES THE
6 UNENCUMBERED APPROPRIATION IS SUFFICIENT FOR THE PAYMENT.

7 (2) ON A JUDGMENT DESCRIBED IN SUBSECTION (1) BECOMING FINAL
8 OR ON A CLAIM BEING ALLOWED AS DESCRIBED IN SUBSECTION (1), THE
9 PLAINTIFF OR CLAIMANT SHALL PROVIDE TO THE DEPARTMENT ANY
10 INFORMATION REQUIRED BY THE DIRECTOR TO IDENTIFY THE PLAINTIFF OR
11 CLAIMANT OR, IF APPLICABLE, EACH INDIVIDUAL FOR WHOSE BENEFIT THE

1 ACTION WAS BROUGHT OR THE CLAIM MADE, FOR PURPOSES OF COMPLYING
2 WITH SUBSECTIONS (3) TO (5). THE DEPARTMENT OF TREASURY SHALL MAKE
3 AVAILABLE TO DEPARTMENTS AN ITEMIZATION OF THE INFORMATION NEEDED
4 FROM A PLAINTIFF OR CLAIMANT TO SATISFY THIS SUBSECTION.

5 (3) WHEN REQUESTING PAYMENT OF A JUDGMENT OR ALLOWED CLAIM
6 FROM THE DEPARTMENT OF TREASURY, THE DIRECTOR SHALL PROVIDE TO THE
7 DEPARTMENT OF TREASURY THE NAME OF THE PLAINTIFF OR CLAIMANT OR, IF
8 APPLICABLE, THE NAME OF THE INDIVIDUAL FOR WHOSE BENEFIT THE ACTION
9 WAS BROUGHT OR CLAIM MADE AND THE IDENTIFYING INFORMATION PROVIDED
10 UNDER SUBSECTION (2) IN THE MANNER PRESCRIBED BY THE DEPARTMENT OF
11 TREASURY.

12 (4) THE DEPARTMENT OF TREASURY SHALL NOT ISSUE A WARRANT IN
13 SATISFACTION OF A JUDGMENT OR CLAIM UNTIL THE DEPARTMENT OF
14 TREASURY DETERMINES WHETHER THE PLAINTIFF OR CLAIMANT OR, IF
15 APPLICABLE, THE INDIVIDUAL FOR WHOSE BENEFIT THE ACTION WAS BROUGHT
16 OR CLAIM MADE HAS A LIABILITY DESCRIBED IN SUBSECTION (5). IF THE
17 DEPARTMENT OF TREASURY IDENTIFIES A LIABILITY DESCRIBED IN
18 SUBSECTION (5), THE DEPARTMENT OF TREASURY SHALL FIRST APPLY THE
19 AMOUNT OF THE JUDGMENT OR CLAIM AS PROVIDED IN SUBSECTION (5), AND
20 THE EXCESS, IF ANY, SHALL BE PAID TO SATISFY THE JUDGMENT OR CLAIM.

21 (5) THE AMOUNT OF A JUDGMENT OR CLAIM DESCRIBED IN SUBSECTION
22 (4) MUST BE APPLIED TO THE FOLLOWING IN THE FOLLOWING ORDER OF
23 PRIORITY:

24 (A) ANY KNOWN TAX LIABILITY TO THIS STATE.

25 (B) ANY OTHER KNOWN LIABILITY TO THIS STATE.

26 (C) ANY OF THE FOLLOWING IN THE ORDER OF PRIORITY RECEIVED,
27 UNLESS OTHERWISE PROVIDED BY LAW:

1 (i) A SUPPORT LIABILITY.

2 (ii) A WRIT OF GARNISHMENT OR OTHER COURT ORDER DIRECTED TO
3 THIS STATE OR THE STATE TREASURER.

4 (iii) A LEVY OF THE INTERNAL REVENUE SERVICE.

5 (iv) A LIABILITY TO REPAY BENEFITS OBTAINED UNDER THE MICHIGAN
6 EMPLOYMENT SECURITY ACT, 1936 (EX SESS) PA 1, MCL 421.1 TO 421.75.

7 (6) SUBSECTIONS (2) AND (3) APPLY TO ALL JUDGMENTS AND CLAIMS,
8 NOTWITHSTANDING ANY ORDER IN AN ACTION THAT PROHIBITS DISCLOSURE OF
9 THE NAME OF A PLAINTIFF, CLAIMANT, OR INDIVIDUAL FOR WHOSE BENEFIT
10 THE ACTION WAS BROUGHT OR CLAIM WAS MADE. IF SUCH A PROTECTIVE
11 ORDER EXISTS, THE DIRECTOR SHALL NOTIFY THE DEPARTMENT OF TREASURY
12 OF THE ORDER WHEN PROVIDING THE NAME OF THE PLAINTIFF, CLAIMANT, OR
13 INDIVIDUAL UNDER SUBSECTION (3), AND THE NAME AND IDENTIFYING
14 INFORMATION OF THE PLAINTIFF, CLAIMANT, OR INDIVIDUAL IS EXEMPT
15 FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
16 MCL 15.231 TO 15.246.

17 (7) AS USED IN THIS SECTION:

18 (A) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT, AS THAT TERM IS
19 USED IN SECTION 3 OF ARTICLE V OF THE STATE CONSTITUTION OF 1963,
20 AGAINST WHICH A FINAL JUDGMENT OR ALLOWABLE CLAIM IS RENDERED AS
21 PROVIDED IN THIS SECTION, OR A COMMISSION, BOARD, INSTITUTION, ARM,
22 OR AGENCY OF THIS STATE THAT IS LOCATED WITHIN A PRINCIPAL
23 DEPARTMENT AGAINST WHICH A FINAL JUDGMENT OR ALLOWABLE CLAIM IS
24 RENDERED AS PROVIDED IN THIS SECTION.

25 (B) "DIRECTOR" MEANS THE HEAD OF THE DEPARTMENT OR THE HEAD OF
26 THE DEPARTMENT'S DESIGNEE.

27 (C) "SUPPORT" MEANS THAT TERM AS DEFINED IN SECTION 2A OF THE

1 **FRIEND OF THE COURT ACT, 1982 PA 294, MCL 552.502A.**

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