

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.4061 Garnishment against state; employees designated to receive process; procedures.

Sec. 4061. (1) A plaintiff shall serve garnishment process issued from a court in Michigan against the state of Michigan upon the state treasurer or other state employee designated by the state treasurer to receive garnishment process. The state treasurer shall designate as many employees as he or she considers necessary to receive garnishment process, at least 2 of whom shall have offices in Lansing.

(2) The state treasurer shall designate the employees under subsection (1) in writing and maintain a copy of the written designation in the state treasurer's office. If the state treasurer revokes the designation, the revocation shall be made in the same manner as the designation. If a designated employee ceases to be employed by the state treasurer to receive process under subsection (1), the designation of that person is revoked immediately upon termination of his or her employment.

(3) In a garnishment proceeding in which the state is the garnishee, a plaintiff shall do all of the following:

(a) Serve upon the state treasurer or designated employee a writ of garnishment that includes a verified statement signed by the plaintiff, or his or her attorney or agent, identifying the full amount including interest and taxed costs, claimed by the plaintiff to be due upon the judgment against the defendant.

(b) At the time of service of the writ of garnishment, pay to the state treasurer or designated employee a fee of \$6.00.

(c) Within 7 days after service of the writ of garnishment on the state treasurer or designated employee, do both of the following:

(i) If the writ of garnishment is for a state tax refund or credit, serve a copy of the writ of garnishment upon the defendant in the manner prescribed by the Michigan court rules.

(ii) Serve upon the state treasurer any discovery request for information related to the garnishment proceeding that may be in the possession of the department of treasury.

(4) After receiving a discovery request pursuant to subsection (3)(c), the state treasurer shall provide only that information in the possession of the department of treasury that is not otherwise exempted by law from disclosure. The plaintiff shall pay to the state treasurer the reasonable costs incurred by the state treasurer in providing the requested information.

(5) After receiving service of a writ of garnishment as provided in subsection (3), the state treasurer or designated employee shall do 1 of the following:

(a) If the writ is not for the garnishment of a state tax refund or credit, respond in the manner prescribed for garnishment procedures under the Michigan court rules.

(b) If the writ is for garnishment of a state tax refund, respond in the manner prescribed by section 4061a.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1994, Act 346, Eff. Mar. 1, 1995.