

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

600.6096 Judgment or claim against department; payment from unencumbered appropriation; identifying information; application of amount to certain liabilities; order of priority; disclosure; definitions.

Sec. 6096. (1) Notwithstanding section 6458, on a judgment against this state or a department becoming final, or on allowance of a claim by the state administrative board, the director shall cause the judgment or claim to be paid from the unencumbered appropriation of the department if the director determines the unencumbered appropriation is sufficient for the payment.

(2) On a judgment described in subsection (1) becoming final or on a claim being allowed as described in subsection (1), the plaintiff or claimant shall provide to the department any information required by the director to identify the plaintiff or claimant or, if applicable, each individual for whose benefit the action was brought or the claim made, for purposes of complying with subsections (3) to (5). The department of treasury shall make available to departments an itemization of the information needed from a plaintiff or claimant to satisfy this subsection.

(3) When requesting payment of a judgment or allowed claim from the department of treasury, the director shall provide to the department of treasury the name of the plaintiff or claimant or, if applicable, the name of the individual for whose benefit the action was brought or claim made and the identifying information provided under subsection (2) in the manner prescribed by the department of treasury.

(4) The department of treasury shall not issue a warrant in satisfaction of a judgment or claim until the department of treasury determines whether the plaintiff or claimant or, if applicable, the individual for whose benefit the action was brought or claim made has a liability described in subsection (5). If the department of treasury identifies a liability described in subsection (5), the department of treasury shall first apply the amount of the judgment or claim as provided in subsection (5), and the excess, if any, shall be paid to satisfy the judgment or claim.

(5) The amount of a judgment or claim described in subsection (4) must be applied to the following in the following order of priority:

- (a) Any known tax liability to this state.
- (b) Any other known liability to this state.
- (c) Any of the following in the order of priority received, unless otherwise provided by law:
 - (i) A support liability.
 - (ii) An order of restitution.
 - (iii) A writ of garnishment or other court order directed to this state or the state treasurer.
 - (iv) A levy of the Internal Revenue Service.

(v) A liability to repay benefits obtained under the Michigan employment security act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75.

(6) Subsections (2) and (3) apply to all judgments and claims, notwithstanding any order in an action that prohibits disclosure of the name of a plaintiff, claimant, or individual for whose benefit the action was brought or claim was made. If such a protective order exists, the director shall notify the department of treasury of the order when providing the name of the plaintiff, claimant, or individual under subsection (3), and the name and identifying information of the plaintiff, claimant, or individual is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) as used in this section:

(a) "Department" means a principal department, as that term is used in section 3 of article V of the state constitution of 1963, against which a final judgment or allowable claim is rendered as provided in this section, or a commission, board, institution, arm, or agency of this state that is located within a principal department against which a final judgment or allowable claim is rendered as provided in this section.

(b) "Director" means the head of the department or the head of the department's designee.

(c) "Support" means that term as defined in section 2a of the friend of the court act, 1982 PA 294, MCL 552.502a.

History: Add. 2015, Act 257, Eff. Mar. 22, 2016.

Compiler's note: Former MCL 600.6096, which pertained to township judgment bonds, was repealed by Act 393 of 1984, Imd Eff. Dec. 28, 1984.