

SUBSTITUTE FOR  
HOUSE BILL NO. 5511

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 6458 (MCL 600.6458), as amended by 2002 PA 429.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6458. (1) In rendering ~~any-A~~ judgment against ~~the-THIS~~  
2       state, or ~~any-A~~ department, commission, board, institution, arm, or  
3       agency **OF THIS STATE**, the court **OF CLAIMS** shall determine and  
4       specify in ~~that-THE~~ judgment the department, commission, board,  
5       institution, arm, or agency from whose appropriation ~~that-THE~~  
6       judgment ~~shall-MUST~~ be paid.

7       (2) ~~Upon-any-ON A~~ judgment against ~~the-THIS~~ state or ~~any-A~~  
8       department, commission, board, institution, arm, or agency **OF THIS**  
9       **STATE** becoming final, or ~~upon-ON~~ allowance of ~~any-A~~ claim by the  
10      state administrative board and ~~upon-~~certification **OF THE CLAIM** by

1 the secretary of the state administrative board to the clerk of the  
 2 court of claims, the clerk of the court **OF CLAIMS** shall certify to  
 3 the state treasurer ~~the fact that that~~ **THE** judgment was entered or  
 4 that the claim was allowed and **ON RECEIVING THE CERTIFICATION THE**  
 5 **STATE TREASURER SHALL PAY** the claim ~~shall thereupon be paid from~~  
 6 the unencumbered appropriation of the department, commission,  
 7 board, institution, arm, or agency if the state treasurer  
 8 determines the unencumbered appropriation is sufficient for the  
 9 payment. ~~In the event that funds are~~ **IF MONEY IS** not available to  
 10 pay the judgment or allowed claim **AS PROVIDED IN THIS SUBSECTION,**  
 11 the state treasurer shall instruct the clerk of the court of claims  
 12 to issue a voucher against an appropriation made by the legislature  
 13 for the payment of judgment claims and allowed claims. ~~In the event~~  
 14 ~~that funds are~~ **IF MONEY IS** not available to pay the judgment or  
 15 allowed claim **AS PROVIDED IN THIS SUBSECTION, THE STATE TREASURER**  
 16 **SHALL REPORT** that fact ~~, together with~~ **AND** the name of the  
 17 claimant, **THE** date of **THE** judgment ~~, date~~ **OR** of **THE** allowance of  
 18 **THE** claim by the state administrative board, and **THE** amount ~~shall~~  
 19 ~~be reported~~ **OF THE JUDGMENT OR ALLOWED CLAIM** to the legislature at  
 20 its next session, and **SHALL PAY** the judgment or allowed claim ~~shall~~  
 21 ~~be paid~~ as soon as money is available for that purpose. The clerk  
 22 **OF THE COURT OF CLAIMS** shall not certify ~~any~~ **A** judgment to the  
 23 state treasurer until the period for appeal from ~~that~~ **THE** judgment  
 24 ~~shall have~~ **HAS** expired, unless written stipulation between the  
 25 attorney general and the claimant or his or her attorney, waiving  
 26 any right of appeal or new trial, is filed with the clerk of the  
 27 court **OF CLAIMS**.

1           (3) The clerk **OF THE COURT OF CLAIMS** shall approve vouchers  
2 under the direction of the court for the payment of ~~the several~~  
3 judgments rendered by the court. All warrants issued in  
4 satisfaction of ~~these judgments~~ **RENDERED BY THE COURT OF CLAIMS**  
5 shall be transmitted to the clerk **OF THE COURT OF CLAIMS** for  
6 distribution; and all warrants issued in satisfaction of claims  
7 allowed by the state administrative board shall be transmitted to  
8 the secretary of the state administrative board for distribution.

9           (4) **ON A JUDGMENT DESCRIBED IN SUBSECTION (2) BECOMING FINAL**  
10 **OR ON A CLAIM BEING ALLOWED AND CERTIFIED TO THE CLERK OF THE COURT**  
11 **OF CLAIMS AS DESCRIBED IN SUBSECTION (2), THE PLAINTIFF OR CLAIMANT**  
12 **SHALL PROVIDE TO THE CLERK OF THE COURT OF CLAIMS ANY INFORMATION**  
13 **REQUIRED BY THE STATE TREASURER TO IDENTIFY THE PLAINTIFF OR**  
14 **CLAIMANT OR, IF APPLICABLE, EACH INDIVIDUAL FOR WHOSE BENEFIT THE**  
15 **ACTION WAS BROUGHT OR THE CLAIM MADE, FOR PURPOSES OF COMPLYING**  
16 **WITH SUBSECTIONS (5) TO (7) OR TO PERFORM THE TREASURER'S DUTIES**  
17 **UNDER SUBSECTION (8). THE STATE TREASURER SHALL NOTIFY THE CLERK OF**  
18 **THE COURT OF CLAIMS OF THE INFORMATION NEEDED FROM A PLAINTIFF OR**  
19 **CLAIMANT TO SATISFY THIS SUBSECTION.**

20           (5) **WHEN CERTIFYING A JUDGMENT OR ALLOWED CLAIM TO THE STATE**  
21 **TREASURER UNDER SUBSECTION (2), THE CLERK OF THE COURT OF CLAIMS**  
22 **SHALL PROVIDE TO THE STATE TREASURER THE NAME OF THE PLAINTIFF OR**  
23 **CLAIMANT AND THE IDENTIFYING INFORMATION PROVIDED UNDER SUBSECTION**  
24 **(4). IF THE PLAINTIFF OR CLAIMANT BROUGHT THE ACTION OR MADE THE**  
25 **CLAIM IN A REPRESENTATIVE CAPACITY, THE CLERK OF THE COURT OF**  
26 **CLAIMS SHALL PROVIDE TO THE STATE TREASURER THE NAME AND**  
27 **IDENTIFYING INFORMATION FOR EACH INDIVIDUAL FOR WHOSE BENEFIT THE**

1 ACTION WAS BROUGHT OR CLAIM MADE.

2 (6) THE STATE TREASURER SHALL NOT ISSUE A WARRANT IN THE  
3 SATISFACTION OF A JUDGMENT OR CLAIM UNTIL THE STATE TREASURER  
4 DETERMINES WHETHER THE PLAINTIFF OR CLAIMANT OR, IF APPLICABLE,  
5 INDIVIDUAL FOR WHOSE BENEFIT THE ACTION WAS BROUGHT OR CLAIM MADE,  
6 IS INDEBTED FOR ANY OF THE FOLLOWING:

7 (A) AN AMOUNT DUE TO THIS STATE.

8 (B) SUPPORT.

9 (C) AN AMOUNT DUE TO A SUBDIVISION OF THIS STATE.

10 (D) AN AMOUNT DUE UNDER A COURT ORDER FOR RESTITUTION, FINES,  
11 COSTS, FEES, REIMBURSEMENTS, PENALTIES, OR ASSESSMENTS.

12 (7) SUBJECT TO SUBSECTION (8), THE STATE TREASURER SHALL  
13 DEDUCT THE AMOUNT OF ANY INDEBTEDNESS DETERMINED UNDER SUBSECTION  
14 (6) FROM THE AMOUNT DUE UNDER THE JUDGMENT OR CLAIM AND ISSUE  
15 WARRANTS IN SATISFACTION OF THE INDEBTEDNESS AND A WARRANT TO THE  
16 PLAINTIFF OR CLAIMANT FOR THE DIFFERENCE BETWEEN THE INDEBTEDNESS  
17 AND THE JUDGMENT OR CLAIM. IF THE PLAINTIFF OR CLAIMANT HAS  
18 MULTIPLE OBLIGATIONS DESCRIBED IN SUBSECTION (6) AND IF THE  
19 JUDGMENT OR CLAIM IS INSUFFICIENT TO SATISFY THE OBLIGATIONS IN  
20 FULL, THE STATE TREASURER SHALL PAY THE OBLIGATIONS IN THE ORDER  
21 LISTED IN SUBSECTION (6).

22 (8) THE STATE TREASURER SHALL NOT DEDUCT ANY AMOUNT UNDER  
23 SUBSECTION (7) FROM THE PORTION OF THE JUDGMENT OR CLAIM THAT IS  
24 OWED FOR ANY OF THE FOLLOWING:

25 (A) ATTORNEY FEES.

26 (B) COURT COSTS AND OTHER LITIGATION COSTS, INCLUDING, BUT NOT  
27 LIMITED TO, MEDICAL EXAMINATION COSTS, EXPENSES FOR REPORTS,

1 DEPOSITION FEES, COURT REPORTER FEES, AND RECORD COPY FEES.

2 (C) THE MEDICAID PROGRAM UNDER THE SOCIAL WELFARE ACT, 1939 PA  
3 280, MCL 400.1 TO 400.119B, UNLESS MEDICAID IS SUBORDINATED TO  
4 SUPPORT UNDER FEDERAL LAW.

5 (D) MEDICAL SERVICES OR A REIMBURSEMENT FOR A PAYMENT MADE FOR  
6 MEDICAL SERVICES EITHER TO OR BY AN INSURER, HEALTH MAINTENANCE  
7 ORGANIZATION, OR NONPROFIT HEALTH CARE CORPORATION.

8 (E) OTHER COSTS RELATED TO THE ACTION OR CLAIM.

9 (F) VOCATIONAL REHABILITATION COSTS, REIMBURSEMENTS, OR  
10 CREDITS INCIDENTAL TO LONG- OR SHORT-TERM DISABILITY PROGRAMS OR TO  
11 PENSION OR WELFARE BENEFIT FUNDS.

12 (G) FOR A MEDICARE SET-ASIDE ACCOUNT FOR FUTURE MEDICAL CARE  
13 OR FOR FUTURE MEDICAID, UNLESS MEDICARE OR MEDICAID IS SUBORDINATED  
14 TO SUPPORT UNDER FEDERAL LAW.

15 (9) FOR PURPOSES OF SUBSECTIONS (6) TO (8), AN AMOUNT DUE TO  
16 THIS STATE OR AN AMOUNT DUE TO A SUBDIVISION OF THIS STATE ONLY  
17 INCLUDES AN INDEBTEDNESS THAT IS INCLUDED IN A JUDGMENT ENTERED IN  
18 A COURT ACTION OR THAT HAS BEEN DETERMINED BY AGENCY ACTION AS TO  
19 WHICH ALL ADMINISTRATIVE AND JUDICIAL REVIEW RIGHTS HAVE BEEN  
20 EXHAUSTED.

21 (10) SUBSECTIONS (4) AND (5) APPLY TO ALL JUDGMENTS AND  
22 CLAIMS, NOTWITHSTANDING ANY ORDER IN AN ACTION THAT PROHIBITS  
23 DISCLOSURE OF THE NAME OF A PLAINTIFF, CLAIMANT, OR INDIVIDUAL FOR  
24 WHOSE BENEFIT THE ACTION WAS BROUGHT OR CLAIM WAS MADE. IF SUCH A  
25 PROTECTIVE ORDER EXISTS, THE CLERK OF THE COURT OF CLAIMS SHALL  
26 NOTIFY THE STATE TREASURER OF THE ORDER WHEN PROVIDING THE NAME OF  
27 THE PLAINTIFF, CLAIMANT, OR INDIVIDUAL UNDER SUBSECTION (5), AND

1 THE NAME AND IDENTIFYING INFORMATION OF THE PLAINTIFF, CLAIMANT, OR  
2 INDIVIDUAL IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF  
3 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

4 (11) AS USED IN THIS SECTION, "SUPPORT" MEANS THAT TERM AS  
5 DEFINED IN SECTION 2A OF THE FRIEND OF THE COURT ACT, 1982 PA 294,  
6 MCL 552.502A.

7 Enacting section 1. This amendatory act takes effect January  
8 1, 2016.