



**House
Legislative
Analysis
Section**

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GARNISHMENTS AGAINST STATE

House Bill 4702

Sponsor: Rep. Kirk A. Profit

Committee: Judiciary

Complete to 11-1-93

A SUMMARY OF HOUSE BILL 4702 AS INTRODUCED 5-6-93

The bill would amend the portion of the Revised Judicature Act that specifies procedures for when the state is the defendant in a garnishment action. Among other things, the bill would:

**** delete a requirement that notice of the treasury employees designated to receive process be filed with the Department of State. The designation would instead be filed with the treasury department.**

**** delete a requirement that a sworn statement by the plaintiff accompany the writ of garnishment that is served on the state.**

**** delete a 15-day deadline for the treasury department to file a disclosure of the state's indebtedness after receiving proof of service of the garnishment writ upon the principal defendant.**

**** impose a 14-day deadline following the disclosure filing for the state treasurer to deposit with the court clerk the amount of indebtedness disclosed.**

**** delete a requirement for the court clerk to notify the principal defendant of the disclosure and deposit.**

**** require, rather than allow, the court to enter a garnishment order for the state to pay the amount due the plaintiff, including interest and taxed costs, as of the time of disclosure by the treasury department (rather than as of the time of service of the garnishment writ). Language requiring proofs to be presented at a hearing on the garnishment action would be eliminated. As with current law, any amount deposited in excess of the amount due would be returned to the state.**

MCL 600.4061

House Bill 4702 (11-1-93)