

SENATE BILL 378

Introduced by Harding, et al.

2/13	Introduced
2/14	First Reading
2/14	Referred to Judiciary
2/18	Hearing
2/18	Rereferred to Taxation
3/11	Hearing
3/11	Tabled in Committee

Senate BILL NO. *378*

INTRODUCED BY *Harold Van Vleet* *HARP* *Van Vleet*
Bob Brown *MERCER* *Lee*

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING FROM EXECUTION A JUDGMENT DEBTOR'S PROPERTY IN THIS STATE WHEN JUDGMENT IS IN FAVOR OF ANOTHER STATE FOR FAILURE TO PAY THAT STATE'S INCOME TAX ON A PENSION OR RETIREMENT PLAN; AND AMENDING SECTION 25-13-608, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 25-13-608, MCA, is amended to read:

"25-13-608. Property exempt without limitation -- exceptions. (1) A judgment debtor is entitled to exemption from execution of the following:

(a) professionally prescribed health aids for the judgment debtor or a dependent of the judgment debtor;

(b) benefits the judgment debtor has received or is entitled to receive under federal social security or local public assistance legislation, except as provided in subsection (2);

(c) veterans' benefits, except as provided in subsection (2);

(d) disability or illness benefits;

(e) benefits paid or payable for medical, surgical, or hospital care to the extent they are used or will be used to

pay for the care;

(f) maintenance and child support; and

(g) a burial plot for the judgment debtor and his family; and

(h) all property in this state of the judgment debtor when the judgment is in favor of another state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(2) Veterans' and social security legislation benefits based upon remuneration for employment, as defined in 42 U.S.C. 662(f), are not exempt from execution if the debt for which execution is levied is for:

(a) child support; or

(b) maintenance to be paid to a spouse or former spouse if the spouse or former spouse is the custodial parent of a child for whom child support is owed or owing and the judgment debtor is the parent of the child."

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