SENATE BILL NO. 177

INTRODUCED BY VAN VALKENBURG

IN THE SENATE

January 17, 1983		Introduced and referred to Committee on Judiciary.
February 8, 1983		Committee recommend bill do pass as amended. Report adopted.
February 9, 1983		Bill printed and placed on members' desks.
February 10, 1983		Second reading, do pass.
February 11, 1983		Correctly engrossed.
February 12, 1983		Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.
	IN THE HOUSE	
February 14, 1983		Introduced and referred to Committee on Judiciary.
March 5, 1983		Committee recommend bill be concurred in as amended. Report adopted.
March 7, 1983		Second reading, concurred in.
March 8, 1983		Third reading, concurred in.
	IN THE SENATE	;

March 9, 1983 Returned to Senate with amendments.

March 10, 1983

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March 11, 1983

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Second reading, amendments concurred in.

Third reading, amendments concurred in. Ayes, 48; Noss, 0.

Sent to enrolling.

Reported correctly enrolled. LC 0836/01

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- Unfferting - 2. 1 INTRODUCED BY 2 3 ۸ A BILL FOR AN ACT ENTITLED: ""AN ACT TO PROVIDE THAT INCOME

5 OF A JUDGMENT DEBTOR NECESSARY FOR THE SUPPORT OF HIS FAMILY 6 IS NOT EXEMPT FROM EXECUTION TO SATISFY JUDGMENTS OR ORDERS 7 FOR MAINTENANCE OR CHILD SUPPORT; AMENDING SECTION 8 25-13-614, MCA.**

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA3

Section 1. Section 25-13-614, NCA, is amended to read: 11. 12 #25-13-614. Earnings of judgment debtor. (1) The Except as provided in this sections the earnings of the 13 judgment debtor for his personal services rendered at any 14 15 time within 45 days next preceding the levy of execution or 16 attachment, when it appears by the debtor's affidavit or 17 otherwise that such earnings are necessary for the use of 18 his family supported in whole or in part by his labor, are 19 exempt+ bot-where

20 [2] No earnings for personal services are exempt under

21 this section from judgments or orders for maintenance or 22 child supports

23 <u>(3) "Whenever</u> debts are incurred by any such person or
 24 his wife or family for gasoline and for the common
 25 necessaries of life, then the one-half of such earnings are

nevertheless subject to execution, garnishment, and

2 attachment to satisfy debts so incurred.

2

3 <u>t2t(4)</u> The words whis family, as used in this section, are to be construed to include:

5 (a) the judgment debtor's spouse;

6 (b) every person who resides with the judgment debtor
7 under his care or maintenance and who is:

8 (i) a minor child of the judgment debtor or of his
9 spouse or former spouse;

10 (ii) a minor grandchild, brother, or sister or minor
11 child of a brother or sister of the judgment debtor or of
12 his spouse;

13 (iii) a father, mother, grandfather, or grandmother of

14 the judgment debtor or of his spouse or former spouse;

15 (iv) an unmarried sister, brother, or any other 16 relative of the judgment debtor mentioned in this section 17 who has attained the age of majority and is unable to care 18 for or support himself."

-End-

-2- INTRODUCED BILL

Approved by Committee on Judiciary

_		1	necessaries of life, then the one-half of such earnings are
1	SENATE BILL ND. 177	-	_
2	INTRODUCED BY VAN VALKENBURG	2	nevertheless subject to execution, garnishment, and
3		3	attachment to satisfy debts so incurred.
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT INCOME	4	(2)(4) The words "his family", as used in this
5	OF A JUDGMENT DEBTOR NECESSARY FOR THE SUPPORT OF HIS FAMILY	5	section, EXCEPT_ID_IHE_EXIENT_IHAL_IHESE_MORDS_INCLUDE_A
6	IS NOT EXEMPT FROM EXECUTION TO SATISFY JJDGMENTS OR ORDERS	6	PERSONCOVERED_BY_A_JUDGMENI_OB_DRDEB_UNDER_SUBSECTION_(2).
7	FOR MAINTENANCE OR CHILD SUPPORT <u>ONLY_ID_THE_EXIENIALLOWED</u>	7	are to be construed to include:
9	BY_EEDERAL_LAW; AMENDING SECTION 25-13-614, MCA."	8	(a) the judgment debtor's spouse;
9		9	(b) every person who resides with the judgment debtor
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	under his care or maintenance and who is:
11	Section 1. Section 25-13-614, MCA, is amended to read:	11	(i) a minor child of the judgment debtor or of his
12	"25+13-614. Earnings of judyment debtor. (1) The	12	spouse or former spouse;
13	Except_as_provided in this_sections_the earnings of the	13	(ii) a minor grandchild, brother, or sister or minor
14	judgment debtor for his personal services rendered at any	14	child of a brother or sister of the judgment debtor or of
15	time within 45 days next preceding the levy of execution or	15	his spouse;
16	attachment, when it appears by the debtor's affidavit or	16	(ili) a father, mother, grandfather, or grandmother of
17	otherwise that such earnings are necessary for the use of	17	the judgment debtor or of his spouse or former spouse;
18	his family supported in whole or in part by his labor, are	18	(iv) an unmarried sister, brother, or any other
19	exempt ia but-where	19	relative of the judgment debtor mentioned in this section
20	[2]Noregroings EABNINGS forpersonalservicesare	20	who has attained the age of majority and is unable to care
21	exempt_under_this_section_from_judgments_or_orders_for	21	for or support himself."
22	maintenance_or_coild_support_ONLY_ID_IHE_EXIENIALLOWEDBY		-End-
23	16_Ussecs_1673a		

24 (3)__Whenever__debts are incurred by any such person or his wife or family for gasoline and for the common 25

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58 177

2/9 SE 0177/02

1 SENATE BILL NO. 177 2 INTRODUCED BY VAN VALKENBURG 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT INCOME 5 OF A JUDGMENT DEBTOR NECESSARY FOR THE SUPPORT OF HIS FAMILY 6 IS NOT EXEMPT FROM EXECUTION TO SATISFY JUDGMENTS OR ORDERS 7 FOR MAINTENANCE OR CHILD SUPPORT ONLY TO THE EXTENT ALLOWED я BY_EEDERAL_LAW; AMENDING SECTION 25+13+614. MCA.* 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 25-13-614, MCA, is amended to read: 12 "25-13-614. Earnings of judgment debtor. (1) The Except as provided in this section: the earnings of the 13 judgment debtor for his personal services rendered at any 14 15 time within 45 days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or 16 17 otherwise that such earnings are necessary for the use of his family supported in whole or in part by his labor, are 18 exemptia but-where 19 20 (2) No-coroiogs EARNINGS for personal services are 21 exempt__under__this__section__from__judgments__or_orders_for

22 maintenance_or_child_support ONLY_IO_IHE_EXIENI_ALLOWED_BY 23 16_UxSxCx_1673x

<u>(3) Whenever</u> debts are incurred by any such person or
 his wife or family for gasoline and for the common

SB 0177/02

1	necessaries of life, then the one-half of such earnings are
S	nevertheless subject to execution, garnishment, and
3	attachment to satisfy debts so incurred.
4	{2}[4] The words ™his family™, as used in this
5	section, EXCEPT_IO_IHE_EXTENT_IHAIIHESEWORDSINCLUDEA
6	LEBSONCOVERED_BY_A_JUDGMENI_DR_ORDEB_UNDER_SUBSECTION_121.
7	are to be construed to include:
8	(a) the judgment debtor's spouse;
9	(b) every person who resides with the judgment debtor
10	under his care or maintenance and who is:
11	(i) a minor child of the judgment debtor or of his
12	spouse or former spouse;
13	(ii) a minor grandchild, brother, or sister or minor
14	child of a brother or sister of the judgment debtor or of
15	his spouse;
16	(ili) a father, mother, grandfather, or grandmother of
17	the judgment debtor or of his spouse or former spouse;
18	(iv) an unmarried sister, brother, or any other
19	relative of the judgment debtor mentioned in this section
20	who has attained the age of majority and is unable to care
21	for or support himself."

-End-

HOUSE JUDICIARY COMMITTEE AMENDMENTS TO SENATE BILL 177, THIRD READING COPY (BLUE) MARCH 5, 1983

1) Page 1, line 23 Strike: "<u>16</u>" Insert: "15"

AND AS AMENDED BE CONCURRED IN

48th Legislature

SE 0177/03

1	SENATE BILL NO. 17
z	INTRODUCED BY VAN VALKENBURG
3	
4	A BIL. FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT INCOME
5	OF A JJDGMENT DEBTOR NECESSARY FOR THE SUPPORT OF HIS FAMILY
6	IS NOT EXEMPT FROM EXECUTION TO SATISFY JUDGMENTS OR ORDERS
۲	FOR MAINTENANCE OR CHILD SUPPORT <u>ONLY ID_IHE_EXIENI_ALLOWED</u>
8	BY_EEDERAL_LAW; AMENDING SECTION 25-13-614, MCA."
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10	BF IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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16	attachment, when it appears by the debtor's affidavit or
17	otherwise that such earnings are necessary for the use of
18	his family supported in whole or in part by his labor, are
19	exempt : but-where
20	[2] Normannia EARNINGS for personal services are
21	exempt_under_this_section_from_judgments_or_orders_for
22	maintenance_or_child_support_ONLY_IC_IHE_EXIENIALLOWEDBY
23	15 U.S.C. 1673.
24	[3]Henever debts are incurred by any such person or

24 Lai__mnenever debts are incurred by any such person or 25 his wife or family for gasoline and for the common SB 0177/03

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5	<pre>section, EXCEPT_ID_IHE_EXTENT_IHATIHESEHORDSINCLUDEA</pre>
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9	(b) every person who resides with the judgment debtor
10	under his care or maintenance and who is:
11	(i) a minor child of the judgment debtor or of his
12	spouse or former spouse;
13	(ii) a minor grandchild, brother, or sister or minor
14	child of a prother or sister of the judgment debtor or of
15	his spouse;
16	(ili) a father, mother, grandfather, or grandmother of
17	the judgment debtor or of his spouse or former spouse;
18	(iv) an unmarried sister, brother, or any other
19	relative of the judgment debtor mentioned in this section
20	who has attained the age of majority and is unable to care
21	for or support himself."

-End-

-2- SB 177 REFERENCE BILL