

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.
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March 10, 1983

Second reading,  
amendments concurred in.

March 11, 1983

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

Sent to enrolling.

Reported correctly  
enrolled.

1 *Sen. To* BILL NO. *177*  
2 INTRODUCED BY *Sen. Vukobratovic*  
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; AMENDING SECTION  
8 25-13-614, MCA."  
9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11 Section 1. Section 25-13-614, MCA, is amended to read:  
12 "25-13-614. Earnings of judgment debtor. (1) The  
13 ~~Except as provided in this section, the~~ earnings of the  
14 judgment debtor for his personal services rendered at any  
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, but where  
20 ~~(2) No earnings for personal services are exempt under~~  
21 ~~this section from judgments or orders for maintenance or~~  
22 ~~child support.~~  
23 ~~(3) Whenever~~ debts are incurred by any such person or  
24 his wife or family for gasoline and for the common  
25 necessities of life, then the one-half of such earnings are

1 nevertheless subject to execution, garnishment, and  
2 attachment to satisfy debts so incurred.  
3 ~~(2)(4)~~ The words "his family", as used in this  
4 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-

Approved by Committee  
on Judiciary

SENATE BILL NO. 177

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT INCOME OF A JUDGMENT DEBTOR NECESSARY FOR THE SUPPORT OF HIS FAMILY IS NOT EXEMPT FROM EXECUTION TO SATISFY JUDGMENTS OR ORDERS FOR MAINTENANCE OR CHILD SUPPORT ONLY TO THE EXTENT ALLOWED BY FEDERAL LAW; AMENDING SECTION 25-13-614, MCA."

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

Section 1. Section 25-13-614, MCA, is amended to read:

"25-13-614. Earnings of judgment debtor. (1) The ~~Except as provided in this section,~~ the earnings of the judgment debtor for his personal services rendered at any time within 45 days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family supported in whole or in part by his labor, are exempt, but where

~~(2) Necessary EARNINGS for personal services are exempt under this section from judgments or orders for maintenance or child support~~ ONLY TO THE EXTENT ALLOWED BY 16 U.S.C. 1613.

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

necessaries of life, then the one-half of such earnings are nevertheless subject to execution, garnishment, and attachment to satisfy debts so incurred.

~~(2)(4)~~ The words "his family", as used in this section, EXCEPT TO THE EXTENT THAT THESE WORDS INCLUDE A PERSON COVERED BY A JUDGMENT OR ORDER UNDER SUBSECTION (2), are to be construed to include:

(a) the judgment debtor's spouse;

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

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

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

(iii) a father, mother, grandfather, or grandmother of the judgment debtor or of his spouse or former spouse;

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

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~~(2) No earnings EARNINGS for personal services are exempt under this section from judgments or orders for maintenance or child support ONLY TO THE EXTENT ALLOWED BY 16 U.S.C. 1673.~~

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

necessaries of life, then the one-half of such earnings are nevertheless subject to execution, garnishment, and attachment to satisfy debts so incurred.

~~(2)(4) The words "his family", as used in this section, EXCEPT TO THE EXTENT THAT THESE WORDS INCLUDE A PERSON COVERED BY A JUDGMENT OR ORDER UNDER SUBSECTION (2),~~ are to be construed to include:

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

(iii) a father, mother, grandfather, or grandmother of the judgment debtor or of his spouse or former spouse;

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

AND AS AMENDED  
BE CONCURRED IN

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~~(2) No-earnings EARNINGS for personal services are exempt under this section from judgments or orders for maintenance or child support ONLY TO THE EXTENT ALLOWED BY~~ to 15 U.S.C. 1673.

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

necessaries of life, then the one-half of such earnings are nevertheless subject to execution, garnishment, and attachment to satisfy debts so incurred.

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(iii) a father, mother, grandfather, or grandmother of the judgment debtor or of his spouse or former spouse;

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

-End-