

SENATE BILL NO. 363

INTRODUCED BY JACOBSON

IN THE SENATE

FEBRUARY 18, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 21, 1987	PRINTING REPORT.
FEBRUARY 23, 1987	SECOND READING, DO PASS.
FEBRUARY 24, 1987	ENGROSSING REPORT.
FEBRUARY 25, 1987	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 3, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 27, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 28, 1987	SECOND READING, CONCURRED IN.
MARCH 30, 1987	THIRD READING, CONCURRED IN. AYES, 95; NOES, 3.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 3, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 14, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 15, 1987

CONFERENCE COMMITTEE REPORTED.

APRIL 16, 1987

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 17, 1987

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 21, 1987

CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1987

SENT TO ENROLLING.

1 *Senate* BILL NO. 363
2 INTRODUCED BY *Jacobson*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE
5 MINIMUM AMOUNT THAT MUST BE DEDUCTED FROM AN OBLIGOR'S
6 INCOME UNDER THE CHILD SUPPORT INCOME DEDUCTION ACT OF 1981;
7 AND AMENDING SECTION 40-5-309, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 40-5-309, MCA, is amended to read:

11 "40-5-309. Amount to be deducted from income. (1) The
12 amount of money to be deducted each pay period from the
13 obligor's income shall be:

14 (a) ~~(i) the amount of money necessary to pay current~~
15 ~~installments of child support as they become due and~~
16 ~~payable; plus~~

17 ~~(ii) the amount of money which, when deducted in equal~~
18 ~~amounts each payday, will pay off all outstanding child~~
19 ~~support payments delinquent within 2 years; or~~

20 (b) not less than 25% of the obligor's disposable
21 earnings but may not be more than the maximum amount
22 allowable by federal garnishment law ~~if the sum provided in~~
23 ~~subsection (1)(a) exceeds that amount.~~

24 (2) The district court may allow a fee of not to
25 exceed \$5 per deduction, which the employer may deduct from

1 the obligor's wages or salary for the expense of
2 administering the deduction.

3 (3) The child support income deduction shall cease
4 when there is no past-due child support owing unless the
5 district court orders continued income deductions for
6 payment of child support installments as they become due and
7 payable."

-End-



APPROVED BY COMMITTEE
ON JUDICIARY

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 5 MINIMUM AMOUNT THAT MUST BE DEDUCTED FROM AN OBLIGOR'S
 6 INCOME UNDER THE CHILD SUPPORT INCOME DEDUCTION ACT OF 1981;
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 13 obligor's income shall be:
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 15 ~~installments of child support as they become due and~~
 16 ~~payable; plus~~
 17 ~~{ii} the amount of money which, when deducted in equal~~
 18 ~~amounts each payday, will pay off all outstanding child~~
 19 ~~support payments delinquent within 2 years; or~~
 20 (b)(A) (I) THE AMOUNT OF MONEY NECESSARY TO PAY
 21 CURRENT INSTALLMENTS OF CHILD SUPPORT AS THEY BECOME DUE AND
 22 PAYABLE; PLUS
 23 (II) THE AMOUNT OF MONEY WHICH, WHEN DEDUCTED IN EQUAL
 24 AMOUNTS EACH PAYDAY, WILL PAY OFF ALL OUTSTANDING CHILD
 25 SUPPORT PAYMENTS DELINQUENT WITHIN 2 YEARS; OR

1 (B) not less than 25% of the obligor's disposable
 2 earnings but may not be more than the maximum amount
 3 allowable by federal garnishment law if the sum provided in
 4 subsection (1)(A) exceeds that amount IF THE SUM PROVIDED IN
 5 SUBSECTION (1)(A) EXCEEDS THAT AMOUNT.
 6 (2) The district court may allow a fee of not to
 7 exceed \$5 per deduction, which the employer may deduct from
 8 the obligor's wages or salary for the expense of
 9 administering the deduction.
 10 (3) The child support income deduction shall cease
 11 when there is no past-due child support owing unless the
 12 district court orders continued income deductions for
 13 payment of child support installments as they become due and
 14 payable."

-End-



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5 MINIMUM AMOUNT THAT MUST BE DEDUCTED FROM AN OBLIGOR'S
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7 AND AMENDING SECTION 40-5-309, MCA."

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12 amount of money to be deducted each pay period from the
13 obligor's income shall be:

14 ~~{a}--(i)--the--amount--of--money--necessary--to--pay--current~~
15 ~~installments--of--child--support--as--they--become--due--and~~
16 ~~payable; plus~~

17 ~~{ii}--the--amount--of--money--which,--when--deducted--in--equal~~
18 ~~amounts--each--payday,--will--pay--off--all--outstanding--child~~
19 ~~support--payments--delinquent--within--2--years; or~~

20 {b}{A} (I) THE AMOUNT OF MONEY NECESSARY TO PAY
21 CURRENT INSTALLMENTS OF CHILD SUPPORT AS THEY BECOME DUE AND
22 PAYABLE; PLUS

23 (II) THE AMOUNT OF MONEY WHICH, WHEN DEDUCTED IN EQUAL
24 AMOUNTS EACH PAYDAY, WILL PAY OFF ALL OUTSTANDING CHILD
25 SUPPORT PAYMENTS DELINQUENT WITHIN 2 YEARS; OR

1 (B) not less than 25% of the obligor's disposable
2 earnings but may not be more than the maximum amount
3 allowable by federal garnishment law if the sum provided in
4 subsection (i){a} exceeds that amount IF THE SUM PROVIDED IN
5 SUBSECTION (1)(A) EXCEEDS THAT AMOUNT.

6 (2) The district court may allow a fee of not to
7 exceed \$5 per deduction, which the employer may deduct from
8 the obligor's wages or salary for the expense of
9 administering the deduction.

10 (3) The child support income deduction shall cease
11 when there is no past-due child support owing unless the
12 district court orders continued income deductions for
13 payment of child support installments as they become due and
14 payable."

-End-

SENATE BILL NO. 363
INTRODUCED BY JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH THE MINIMUM AMOUNT THAT MUST BE DEDUCTED FROM AN OBLIGOR'S INCOME UNDER THE CHILD SUPPORT INCOME DEDUCTION ACT OF 1981; AND AMENDING SECTION 40-5-309, MCA."

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

Section 1. Section 40-5-309, MCA, is amended to read:

"40-5-309. Amount to be deducted from income. (1) The amount of money to be deducted each pay period from the obligor's income shall be:

(a) ~~the amount of money necessary to pay current installments of child support as they become due and payable; plus~~

~~(ii) the amount of money which, when deducted in equal amounts each payday, will pay off all outstanding child support payments delinquent within 2 years; or~~

~~(b) (A) the amount of money necessary to pay current installments of child support as they become due and payable; plus~~

~~(ii) the amount of money which, when deducted in equal amounts each payday, will pay off all outstanding child support payments delinquent within 2 years; or~~

~~(B) not less than 25% of the obligor's disposable earnings but may not be more than the maximum amount allowable by federal garnishment law if the sum provided in subsection (1)(a) exceeds that amount~~ IF THE SUM PROVIDED IN SUBSECTION (1)(A) EXCEEDS THAT AMOUNT.

(2) The district court may allow a fee of not to exceed \$5 per deduction, which the employer may deduct from the obligor's wages or salary for the expense of administering the deduction.

(3) The child support income deduction shall cease when there is no past-due child support owing unless the district court orders continued income deductions for payment of child support installments as they become due and payable."

-End-



CONFERENCE COMMITTEE REPORT

April 15, 1987

MR. PRESIDENT

We, your _____ Conference Committee on

SENATE BILL 363

met and considered House Judiciary Standing Committee amendments to
Senate Bill 363, dated March 27, 1987.

We recommend as follows:

THAT SENATE BILL 363, reference copy salmon, BE AMENDED AS FOLLOWS:

1. Page 1, line 13.
Following: " ± "
Insert: " : "

2. Page 2, line 1.
Following: " (B) "
Insert: "(a) (i) the amount of money necessary to pay current installments of child support as they become due and payable; plus (ii) the amount of money which, when deducted in equal amounts each payday, will pay off all outstanding child support payments delinquent within 2 years; or (b) "

3. Page 2, line 5.
Following: "AMOUNT"
Insert: "if the sum provided in subsection (1)(a) exceeds that amount"

And that this Conference Committee report be adopted.

FOR THE SENATE

FOR THE HOUSE

Judy Jacobson
JACOBSON, CHAIRPERSON

COBB

M. A. Halligan
HALLIGAN

Giuseppe Diacomato
GIACOMETTO

Bishop
BISHOP

Paula Marko
DARKO

ADOPT REJECT

STANDING COMMITTEE REPORT

HOUSE

MARCH 27,

1987

Mr. Speaker: We, the committee on JUDICIARY

report SENATE BILL NO. 363

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Evelyn
Chairman

1. Page 1, line 13.
Following: "be"
Strike: ":"

2. Page 1, line 20 through line 1 of page 2.
Strike: "(A) (I) THE" on page 1, line 20 through "(B)" on
line 1 of page 2

3. Page 2, lines 4 and 5.
Strike: "IF THE SUM PROVIDED IN SUBSECTION (1) (A) EXCEEDS THAT
AMOUNT"

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7 ~~(B) not less than 25% of the obligor's disposable~~
 8 ~~earnings but may not be more than the maximum amount~~
 9 ~~allowable by federal garnishment law if the sum provided in~~
 10 ~~subsection (i) (a) exceeds that amount IF THE SUM PROVIDED IN~~
 11 ~~SUBSECTION (i) (A) EXCEEDS THAT AMOUNT IF THE SUM PROVIDED IN~~
 12 ~~SUBSECTION (1) (A) EXCEEDS THAT AMOUNT.~~

13 (2) The district court may allow a fee of not to
 14 exceed \$5 per deduction, which the employer may deduct from
 15 the obligor's wages or salary for the expense of
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-End-

