

HOUSE BILL NO. 38
INTRODUCED BY EUDAILY

IN THE HOUSE

DECEMBER 30, 1988	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 2, 1989	FIRST READING.
JANUARY 10, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 11, 1989	POSTED ON CONSENT CALENDAR. ENGROSSING REPORT.
JANUARY 12, 1989	CONSENT CALENDAR, QUESTIONS AND ANSWERS. THIRD READING, PASSED. AYES, 97; NOES, 0. TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
FEBRUARY 7, 1989	SECOND READING, CONCURRED IN.
FEBRUARY 9, 1989	THIRD READING, CONCURRED IN. AYES, 49; NOES, 1. RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

FEBRUARY 27, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

FEBRUARY 28, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 38

2 INTRODUCED BY ENDAILY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING BENEFITS
5 RECEIVED UNDER THE UNIVERSITY SYSTEM OPTIONAL RETIREMENT
6 PROGRAM AS PROPERTY THAT MAY BE EXEMPTED IN A BANKRUPTCY
7 PROCEEDING; AMENDING SECTION 31-2-106, MCA; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

9

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

11 **Section 1.** Section 31-2-106, MCA, is amended to read:

12 "31-2-106. Exempt property -- bankruptcy proceeding.

13 No individual may exempt from the property of the estate in
14 any bankruptcy proceeding the property specified in 11
15 U.S.C. 522(d) except that property specified in 11 U.S.C.
16 522(d)(10) and that property exempt from execution of
17 judgment as provided in 19-3-105, 19-4-706, 19-5-704,
18 19-6-705, 19-7-705, 19-8-805, 19-9-1006, 19-10-504,
19 19-11-612, 19-13-1004, 19-21-212, Title 25, chapter 13, part
20 6, 33-7-511, 33-15-512 through 33-15-514, 35-10-502,
21 39-51-3105, 39-71-743, 39-73-110, 53-2-607, 53-9-129, Title
22 70, chapter 32, and 80-2-245."

23 **Section 2.** Effective date. [This act] is effective on
24 passage and approval.

25 **Section 3.** Applicability. This act applies to

1 bankruptcy proceedings filed after [the effective date of
2 this act].

-End-

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1 bankruptcy proceedings filed after [the effective date of
2 this act].

-End-

-2-

SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 38 (third reading copy -- blue), respectfully report that HB 38 be amended and as so amended be concurred in:

Sponsor: Eudally (Mazurek)

1. Page 2, line 1.

Following: "bankruptcy"

Strike: "proceedings filed"

Insert: "petitions in which discharge takes place on or"

AND AS AMENDED BE CONCURRED IN

Signed: 
Bruce D. Crippen, Chairman

SENATE

HOUSE BILL NO. 38

INTRODUCED BY EUDAILY

A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING BENEFITS RECEIVED UNDER THE UNIVERSITY SYSTEM OPTIONAL RETIREMENT PROGRAM AS PROPERTY THAT MAY BE EXEMPTED IN A BANKRUPTCY PROCEEDING; AMENDING SECTION 31-2-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 31-2-106, MCA, is amended to read:

"31-2-106. Exempt property -- bankruptcy proceeding.

No individual may exempt from the property of the estate in any bankruptcy proceeding the property specified in 11 U.S.C. 522(d) except that property specified in 11 U.S.C. 522(d)(10) and that property exempt from execution of judgment as provided in 19-3-105, 19-4-706, 19-5-704, 19-6-705, 19-7-705, 19-8-805, 19-9-1006, 19-10-504, 19-11-612, 19-13-1004, 19-21-212, Title 25, chapter 13, part 6, 33-7-511, 33-15-512 through 33-15-514, 35-10-502, 39-51-3105, 39-71-743, 39-73-110, 53-2-607, 53-9-129, Title 70, chapter 32, and 80-2-245."

NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. Applicability. This act

applies to bankruptcy proceedings-filed PETITIONS IN WHICH DISCHARGE TAKES PLACE ON OR after [the effective date of this act].

-End-