

SENATE BILL NO. 145

INTRODUCED BY ECK, SPAETH

IN THE SENATE

JANUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 1, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1989	PRINTING REPORT.
FEBRUARY 3, 1989	SECOND READING, DO PASS.
FEBRUARY 4, 1989	ENGROSSING REPORT.
FEBRUARY 6, 1989	THIRD READING, PASSED. AYES, 49; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 92; NOES, 4.

IN THE SENATE

MARCH 14, 1989	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Spencer* BILL NO. *145*  
2 INTRODUCED BY *Ed Sparto*  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A  
5 JUDGMENT DEBTOR IS NOT ENTITLED TO EXEMPT FROM EXECUTION  
6 VETERANS' OR SOCIAL SECURITY BENEFITS IF THE DEBT FOR WHICH  
7 EXECUTION IS LEVIED IS FOR CHILD SUPPORT; AND AMENDING  
8 SECTION 25-13-608, MCA."

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

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

12 "25-13-608. Property exempt without limitation --  
13 exceptions. (1) A judgment debtor is entitled to exemption  
14 from execution of the following:

15 {1}(a) professionally prescribed health aids for the  
16 judgment debtor or a dependent of the judgment debtor;

17 {2}(b) benefits the judgment debtor has received or is  
18 entitled to receive under federal social security or local  
19 public assistance legislation, except as provided in  
20 subsection (2);

21 {3}(c) veterans' benefits, except as provided in  
22 subsection (2);

23 {4}(d) disability or illness benefits;

24 {5}(e) benefits paid or payable for medical, surgical,  
25 or hospital care to the extent they are used or will be used

1 to pay for the care;

2 {6}(f) maintenance and child support; and

3 {7}(g) a burial plot for the judgment debtor and his  
4 family.

5 (2) Veterans' benefits and benefits the judgment  
6 debtor has received or is entitled to receive under federal  
7 social security legislation are not exempt from execution if  
8 the debt for which execution is levied is for:

9 (a) child support; or

10 (b) maintenance to be paid to a former spouse if the  
11 former spouse is the custodial parent of a child for whom  
12 child support is owed."

13 **NEW SECTION. Section 2. Saving clause.** [This act]  
14 does not affect rights and duties that matured, penalties  
15 that were incurred, or proceedings that were begun before  
16 [the effective date of this act].

-End-

APPROVED BY COMMITTEE  
ON JUDICIARY

SENATE BILL NO. 145

INTRODUCED BY ECK, SPAETH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A JUDGMENT DEBTOR IS NOT ENTITLED TO EXEMPT FROM EXECUTION VETERANS' OR SOCIAL SECURITY BENEFITS IF THE DEBT FOR WHICH EXECUTION IS LEVIED IS FOR CHILD SUPPORT OR CHILD SUPPORT-RELATED MAINTENANCE; 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:

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

(2)(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);

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

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(5)(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;

(6)(f) maintenance and child support; and

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

(2) Veterans' benefits and ~~benefits--the--judgment debtor-has-received-or-is-entitled-to-receive-under--federal~~ 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."

NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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NEW SECTION. **Section 2.** Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

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