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.

51st Legislature

LC 0488/01

finale BILL NO. 145 1 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A 4

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."

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10 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 <u>--</u> <u>exceptions. (1)</u> A judgment debtor is entitled to exemption from execution of the following:

15 (1)(a) professionally prescribed health aids for the 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);

(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

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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 <u>NEW SECTION.</u> 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-



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51st Legislature

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APPROVED BY COMMITTEE

ON JUDICIARY

2 INTRODUCED BY ECK, SPAETH 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A 5 JUDGMENT DEBTOR IS NOT ENTITLED TO EXEMPT FROM EXECUTION VETERANS' OR SOCIAL SECURITY BENEFITS IF THE DEBT FOR WHICH 6 EXECUTION IS LEVIED IS FOR CHILD SUPPORT OR CHILD 7 8 SUPPORT-RELATED MAINTENANCE; AND AMENDING SECTION 25-13-608. • 9 MCA." 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 25-13-608, MCA, is amended to read: 13 *25-13-608. Property exempt without limitation

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14 <u>exceptions</u>. (1) A judgment debtor is entitled to exemption 15 from execution of the following:

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

18 (2)(b) benefits the judgment debtor has received or is 19 entitled to receive under federal social security or local 20 public assistance legislation, except as provided in 21 subsection (2);

24 (4)(d) disability or illness benefits;

25 (5)(e) benefits paid or payable for medical, surgical,

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or hospital care to the extent they are used or will be used 1 2 to pay for the care; 3 (f) maintenance and child support; and 4 (7)(g) a burial plot for the judgment debtor and his 5 family. 6 (2) Veterans' benefits and benefits--the--judgment 7 debtor-has-received-or-is-entitled-to-receive-under--federal 8 social security legislation BENEFITS BASED UPON REMUNERATION 9 FOR EMPLOYMENT, AS DEFINED IN 42 U.S.C. 662(F), are not 10 exempt from execution if the debt for which execution is 11 levied is for: 12 (a) child support; or (b) maintenance to be paid to a SPOUSE OR former 13 14 spouse if the SPOUSE OR former spouse is the custodial 15 parent of a child for whom child support is owed OR OWING 16 AND THE JUDGMENT DEBTOR IS THE PARENT OF THE CHILD." 17 NEW SECTION. Section 2. Saving clause. [This act] 18 does not affect rights and duties that matured, penalties 19 that were incurred, or proceedings that were begun before [the effective date of this act]. 20 -End-

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SECOND READING

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1	SENATE BILL NO. 145	1	or hospital care to the extent they are used or will be used
2	INTRODUCED BY ECK, SPAETH	ż	to pay for the care;
3		3	<pre>f6t(f) maintenance and child support; and</pre>
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A	4	<pre>(7)(g) a burial plot for the judgment debtor and his</pre>
5	JUDGMENT DEBTOR IS NOT ENTITLED TO EXEMPT FROM EXECUTION	5	family.
6	VETERANS' OR SOCIAL SECURITY BENEFITS IF THE DEBT FOR WHICH	6	(2) Veterans' benefits and benefitsthejudgment
7	EXECUTION IS LEVIED IS FOR CHILD SUPPORT OR CHILD	7	debtor-has-received-or-is-entitled-to-receive-underfederal
8	SUPPORT-RELATED MAINTENANCE; AND AMENDING SECTION 25-13-608,	8	social security legislation BENEFITS BASED UPON REMUNERATION
9	MCA."	9	FOR EMPLOYMENT, AS DEFINED IN 42 U.S.C. 662(F), are not
10		10	exempt from execution if the debt for which execution is
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	levied is for:
12	Section 1. Section 25-13-608, MCA, is amended to read:	12	(a) child support; or
13	"25-13-608. Property exempt without limitation	13	(b) maintenance to be paid to a SPOUSE OR former
14	<u>exceptions. (1)</u> A judgment debtor is entitled to exemption	14	spouse if the SPOUSE OR former spouse is the custodial
15	from execution of the following:	15	parent of a child for whom child support is owed OR OWING
16	<pre>(1) professionally prescribed health aids for the</pre>	16	AND THE JUDGMENT DEBTOR IS THE PARENT OF THE CHILD."
17	judgment debtor or a dependent of the judgment debtor;	17	NEW SECTION. Section 2. Saving clause. [This act]
18	<pre>(2)(b) benefits the judgment debtor has received or is</pre>	18	does not affect rights and duties that matured, penalties
19	entitled to receive under federal social security or local	19	that were incurred, or proceedings that were begun before
20	public assistance legislation, except as provided in	20	{the effective date of this act}.
21	<pre>subsection (2);</pre>		-End-
22	<pre>f3;(c) veterans' benefits, except as provided in</pre>		
23	<pre>subsection (2);</pre>		
24	<pre>t4)(d) disability or illness benefits;</pre>		
25	<pre>f5;(e) benefits paid or payable for medical, surgical,</pre>		



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l SENATE BILL NO. 145 2 INTRODUCED BY ECK, SPAETH 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A 4 5 JUDGMENT DEBTOR IS NOT ENTITLED TO EXEMPT FROM EXECUTION VETERANS' OR SOCIAL SECURITY BENEFITS IF THE DEBT FOR WHICH 6 7 EXECUTION IS LEVIED IS FOR CHILD SUPPORT OR CHILD 8 SUPPORT-RELATED MAINTENANCE; AND AMENDING SECTION 25-13-608, 9 MCA.* 10 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 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 15 from execution of the following: 16 (1) (a) professionally prescribed health aids for the 17 judgment debtor or a dependent of the judgment debtor; 18 {2}(b) benefits the judgment debtor has received or is 19 entitled to receive under federal social security or local public assistance legislation, except as provided in 20 21 subsection (2);

22 (3)(c) veterans' benefits, except as provided in 23 subsection (2);

24 <u>(4)(d)</u> disability or illness benefits;

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{5}(e) benefits paid or payable for medical, surgical,

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1	or hospital care to the extent they are used or will be used			
2	to pay for the care;			
3	<pre>f6;(f) maintenance and child support; and</pre>			
4	<pre>{7)(g) a burial plot for the judgment debtor and his</pre>			
5	family.			
6	(2) Veterans' benefits and benefitsthejudgment			
7	debtor-has-received-or-is-entitled-to-receive-underfederal			
8	social security legislation BENEFITS BASED UPON REMUNERATION			
9	FOR EMPLOYMENT, AS DEFINED IN 42 U.S.C. 662(F), are not			
10	exempt from execution if the debt for which execution is			
11	levied is for:			
12	(a) child support; or			
13	(b) maintenance to be paid to a SPOUSE OR former			
14	spouse if the SPOUSE OR former spouse is the custodial			
15	parent of a child for whom child support is owed OR OWING			
16	AND THE JUDGMENT DEBTOR IS THE PARENT OF THE CHILD."			
17	NEW SECTION. Section 2. Saving clause. [This act]			
18	does not affect rights and duties that matured, penalties			
19	that were incurred, or proceedings that were begun before			
20	[the effective date of this act].			
	-End-			

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REFERENCE BILL