

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2284

Introduced by

Senators Hacker, Triplett

Representatives Delmore, Glassheim, Koppelman

1 A BILL for an Act to amend and reenact subsection 4 of section 28-22-03.1 of the North Dakota
2 Century Code, relating to exemption from process for proceeds of a wrongful death or personal
3 bodily injury recovery; and to provide for a legislative council study.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 28-22-03.1 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 4. The debtor's right to receive, or property that is traceable to:
- 8 a. A payment, ~~not to exceed seven thousand five hundred dollars~~, on account of
9 the wrongful death of an individual of whom the debtor was a dependent, to
10 the extent reasonably necessary for the support of the debtor and any
11 dependent of the debtor.
- 12 b. A payment, not to exceed ~~seven~~ eighteen thousand ~~five~~ four hundred fifty
13 dollars, on account of personal bodily injury, not including pain and suffering
14 or compensation for actual pecuniary loss, of the debtor or an individual of
15 whom the debtor is a dependent.
- 16 c. A social security benefit, except that the benefit is not exempt for enforcement
17 of any order for the support of a dependent child.
- 18 d. Veteran's disability pension benefits, not including military retirement pay,
19 except that the benefits are not exempt from process levy or sale for
20 enforcement of any order for the support of a dependent child.

21 **SECTION 2. LEGISLATIVE COUNCIL STUDY-EXEMPTIONS FROM PROCESS.**

22 The legislative council shall consider studying during the 2007-08 interim the exemption
23 provisions found in North Dakota Century Code chapter 28-22, including determining whether
24 the exemptions in the current form continue to serve the historical purposes of protecting

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- 1 debtors from creditors and providing debtors with the basic necessities of life, so that debtors
- 2 will not be left destitute and public charges of the state. The legislative council shall report its
- 3 findings and recommendations, together with any legislation required to implement the
- 4 recommendations, to the sixty-first legislative assembly.