

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2284
(Senators Hacker, Triplett)
(Representatives Delmore, Glassheim, Koppelman)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

SECTION 2. LEGISLATIVE COUNCIL STUDY - EXEMPTIONS FROM PROCESS. The legislative council shall consider studying during the 2007-08 interim the exemption provisions found in North Dakota Century Code chapter 28-22, including determining whether the exemptions in the current form continue to serve the historical purposes of protecting debtors from creditors and providing debtors with the basic necessities of life, so that debtors will not be left destitute and public charges of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.