

See Report on Conference Comm. 4-25
SQ Page 1045

January 29, 1957.
Labor.

House File 113
By BALLHAGEN, CHRISTOPHEL,
BROWN, BAUMHOVER.

Passed House, Date 3-27
Vote: Ayes 73 Nays 24
Passed Senate, Date 4-16
Vote: Ayes 31 Nays 15

Approved May 2, 1957

House Vote 4-25
ayes 81 nays 13

A BILL FOR

Senate Vote 4-25
ayes 34 nays 5

An Act relating to exemption of personal earnings of a head of a family and providing for a ten (10) percent garnishment for debts.

Be It Enacted by the General Assembly of the State of Iowa:

Bill passes House
over Gov's Veto
5-2

- 1 Section 1. Section six hundred twenty-seven point ten
- 2 (627.10), Code 1954, is hereby amended by inserting at the
- 3 beginning of the first sentence the following words, "Ninety
- 4 (90) percent of".

Bill passes Senate
over Gov's Veto
5-2
ayes 35 nays 13

EXPLANATION OF HOUSE FILE 113

The purpose of this bill is to provide for a definite method of payment for creditors without working a great hardship on the debtor.

HOUSE FILE 113

- 1 Amend House File 113 by adding thereto the following
- 2 section:
- 3 Sec. 2. Section six hundred twenty-seven point ten
- 4 (627.10), Code 1954, is further amended by striking the
- 5 period at the end thereof and adding the following:
- 6 " provided, however, that no earnings of a debtor who is
- 7 a resident of the state and head of a family, for his
- 8 personal services, or those of his family, shall be subject
- 9 to garnishment for judgment on any debt or obligation where
- 10 interest, paper charge, or carrying charge of any kind in
- 11 excess of seven percent (7%) per annum on the cash cost of
- 12 the obligation is charged."

Filed and adopted
February 26, 1957.

FREED of Webster.

HOUSE FILE 113

- 1 Amend House File 113 by adding after the Freed amendment
- 2 the following:
- 3 "Provided further that the ten per cent (10%) of the earnings
- 4 of the debtor, referred to above, can only be levied upon in case
- 5 of purchases of necessities of life, such as food or clothing or
- 6 oil products used by the debtor in going to and from work."

Withdrawn 2-27

Offered
February 26, 1957.

RIEHM of Hancock.



HOUSE FILE 113
(Committee Amendment)

1 Amend House File 113 as follows:

2 1. By striking all after the enacting clause and insert in
3 lieu thereof the following:

4 "Section 1. Section six hundred twenty-seven point ten
5 (627.10), Code 1954, is amended by repealing said section and
6 inserting the following in lieu thereof:

7 "The wages or salary for services of an employee who is the
8 head of a family and residing with the same, to the amount of
9 thirty (30) dollars per week exclusive of all pay-roll deductions
10 in the form of taxes, shall be exempt from garnishment. Provid-
11 ed, that when such employee receives no definite or agreed wage
12 or salary but is compensated for his services by commission or
13 profit allowances, such allowances shall be similarly exempt from
14 garnishment to an amount of thirty (30) dollars per week. All
15 above said exempt amount shall be liable for garnishment.

16 "Every employer shall pay to such employee such exempt wages
17 or salary or commission or profit allowances not to exceed said
18 amount of the wages or salary or commission or profit allowances
19 earned by him, when due, upon such employee's making and deliv-
20 to his employer, his affidavit that he is such head of a family ^{ering}
21 and residing with the same, notwithstanding the service of any
22 writ of garnishment upon such employer, and the surplus only above
23 such exempt wages or salary or commission or profit allowances
24 shall be held by such employer to abide the event of the garnish-
25 ment suit. If the amount of wages or salary or commission or
26 profit allowances subject to garnishment shall not equal the costs
27 of the garnishment, whatever remains of costs shall be paid by the
28 person bringing the garnishment proceedings, and judgment shall
29 be entered therefor against him, and no judgment for any such
30 deficiency of costs shall go gainst the employee or the defendant. No
31 employer so served with garnishment shall in any case be liable
32 to answer for any amount not earned by such employee at the time
33 of the service of the writ of garnishment.

34 "Before bringing suit a demand in writing shall be served
35 upon the employer and upon the employee for the excess above the
36 amount herein exempted which demand shall state the name of the
37 court and date of judgment upon which said demand is based. Such
38 service shall be had upon the employer, either by delivering a
39 copy of such demand to the employer, or by leaving a copy thereof
40 at the usual place of business of such employer with his or its
41 superintendent, manager, cashier, general agent or clerk. And
42 such service shall be had upon the employee by delivering a copy
43 of such demand to such employee, or by leaving a copy thereof at
44 his usual place of abode with some person of his family of the age
45 of ten years or upwards, and informing such person of the contents
46 thereof. Such copies of the employer and employee shall have
47 endorsed thereon the time of service upon them, which shall be at
48 least forty-eight (48) hours and not more than seven (7) days
49 previous to bringing suit. Such notice shall be filed with the
50 justice or clerk of the court, with the manner and time of the
51 service of the same endorsed thereon, and the return duly sworn
52 to before some officer authorized to administer oaths, before it
53 shall be lawful to issue a summons in such case, or to require an
54 employer to answer in any garnishee proceedings. Any judgment
55 rendered without said demand being served upon the employee, and
56 so proven and filed as aforesaid, shall be void. The excess of
57 wages or salary or commission or profit allowances shall be
58 held by the employer, subject to garnishment by the creditor serv-
59 ing demand, for seven (7) days after such service of demand; after
60 which time the answer of garnishee shall set forth the amount due
61 from the date of service of the wage demand to and including the
62 date of service of the garnishment summons."

63 2. Further amend House File 113 by striking all after the
64 word "Act" in line 1 of the title and insert in lieu thereof the
65 following:

66 "relating to exemption of personal earnings, demand necessary
67 prior to garnishment and answer of garnishee."

Filed *Adopted as* By COMMITTEE ON MANUFACTURING,
March 18, 1957. *amended 4/16* COMMERCE AND TRADE

*House refused
to concur
64-18*

HOUSE FILE 113
(Committee Amendment)

- 1 1. Amend the Committee Amendment to House File 113 filed on
- 2 March 18, 1957, by striking the word "writ" in line 33 and
- 3 inserting in lieu thereof the word "notice".
- 4 2. Further amend said Committee Amendment by striking lines
- 5 33 through 67.

Filed
April 8, 1957.

By COMMITTEE ON MANUFACTURING,
COMMERCE AND TRADE,
DAVID O. SHAFF, Chairman.

4-16
Withdrawn

HOUSE FILE 113
(Committee Amendment)

- 1 Amend House File 113 by striking all after the word
- 2 "Act" in line 1 of the title and insert in lieu thereof the
- 3 following: "relating to exemption of personal earnings and
- 4 provide for garnishment for debts."

Filed
April 8, 1957.

By COMMITTEE ON MANUFACTURING,
COMMERCE AND TRADE,
DAVID O. SHAFF, Chairman.

adopt
4-16

HOUSE FILE 113
(Committee Amendment)

- 1 1. Amend the Committee Amendment to House File 113 filed on
- 2 March 18, 1957, by striking the word "writ" in line 33 and
- 3 inserting in lieu thereof the word "notice".
- 4 2. Further amend said Committee Amendment by striking lines
- 5 34 through 67.

Filed
April 9, 1957.

By COMMITTEE ON MANUFACTURING,
COMMERCE AND TRADE,
DAVID O. SHAFF, Chairman.

adopted
4-16

HOUSE FILE 113

- 1 Amend the committee amendment to House File 113 filed
- 2 March 18, 1957, line 30, by striking the word "employee" and
- 3 inserting in lieu thereof "employer".

Filed and adopted
April 11, 1957.

By NOLAN.

adopted

HOUSE FILE 113

- 1 Amend the committee amendment, filed March 18, 1957, by
- 2 striking the period (.) at the end of line 15 and
- 3 inserting in lieu thereof the following: ", except that no
- 4 creditor may garnish for more than one hundred fifty (150)
- 5 dollars plus his costs of garnishment."

Filed
April 16, 1957.

By MILLER and O'MALLEY.

adopted
4-16