

ENROLLED HOUSE
BILL NO. 1324

By: Steidley of the House

and

Smith of the Senate

An Act relating to civil procedure; amending 12 O.S. 1991, Sections 1170, 1171, 1172.2, as amended by Section 8, Chapter 343, O.S.L. 1994, 1173, 1173.3, 1173.4, 1175, 1177, 1178, 1178.1, 1178.2, 1179, as amended by Section 1, Chapter 156, O.S.L. 1992, 1180, 1182, 1183, 1190, as amended by Section 2, Chapter 156, O.S.L. 1992 and 1770, as amended by Section 28, Chapter 351, O.S.L. 1993 (12 O.S. Supp. 1994, Sections 1172.2, 1179, 1190 and 1770), which relate to garnishment and small claims procedures; modifying and adding definitions; clarifying classes of garnishments; modifying procedures for issuance of garnishment summons; providing for payment of garnishment funds to the court clerk under certain circumstances; modifying procedures for noncontinuing earnings garnishments; providing for forms; providing for certain garnishment lien; providing process for determination of amount of garnishment issued against a defendant subject to certain income assignment; changing procedure for commencement of general garnishment; modifying language; changing procedure for continuing earnings garnishment; stating time for service of certain notices; deleting certain form; requiring garnishee's answer to be on certain form; deleting language which limits time for certain answer; allowing issuance of interrogatories after service of garnishment summons; extending time period for service of certain interrogatories; allowing garnishee to assess certain fee against the judgment creditor under certain circumstances; adding statutory reference; providing for release of certain lien by court clerk; requiring court clerk to prepare certain Certificate of Release upon the request of the judgment debtor; amending 20 O.S. 1991, Section 1503, as last amended by Section 3, Chapter 130, O.S.L. 1994 (20 O.S. Supp. 1994, Section 1503), which relates to examinations for certified shorthand reporters; modifying proficiency requirements; amending 31 O.S. 1991, Sections 1.1, as amended by Section 20, Chapter 325, O.S.L. 1993 and 1.3 (31 O.S. Supp. 1994, Section 1.1), which relate to property exempt from certain process; modifying language; prohibiting certain persons from claiming exemption; requiring the court to consider debtor's family and dependents when determining existence of undue hardship; deleting language allowing certain exemption; amending 42 O.S. 1991, Section 177,

which relates to liens; providing procedure for recordation of cancellation of liens by operation of law; repealing 12 O.S. 1991, Section 1176 and 31 O.S. 1991, Section 1.2, which relate to garnishments and income assignments; and providing effective dates.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 1991, Section 1170, is amended to read as follows:

Section 1170. A. For the purposes of this ~~section~~ subsection and Sections 1171.2 through 1171.4 of this title:

1. "Arrearage" means the total amount of unpaid support obligations;
2. "Delinquency" means any payment under an order for support which becomes due and remains unpaid;
3. "Income" or "earnings" means any form of ~~periodic~~ payment to an individual regardless of source including, but not limited to, wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district, or any entity created by law;
4. "Disposable income" means income or earnings less any amounts required by law to be withheld, including but not limited to federal, state, and local taxes, Social Security, and public assistance payments;
5. "Obligor" means the person who is required to make payments under an order for support;
6. "Person entitled" means the person to whom a duty of support is owed as designated in the support order or as otherwise specified by the court;
7. "Payor" means any person or entity paying monies, income or earnings to an obligor. In the case of a self-employed person, the "payor" and "obligor" may be the same person;
8. "Support order" means an order for the payment of child support issued by a district court or the Department of Human Services;
9. "Income assignment" is a provision of a support order which directs the obligor to assign a portion of the monies, income, or periodic earnings due and owing to the obligor to the person entitled to the support or to another person designated by the support order or assignment for payment of support or arrearages or both. The income assignment may be initiated when the obligor has failed to make child support payments required by a child support order in an amount equal to the child support payable for one (1) month. The assignment shall be in an amount which is sufficient to meet the periodic child support arrearages or other maintenance payments or both imposed by the court order or administrative order. The income assignment shall be made a part of the support order.

B. For the purposes of prejudgment garnishments, "judgment creditor" includes prejudgment garnishors.

SECTION 2. AMENDATORY 12 O.S. 1991, Section 1171, is amended to read as follows:

Section 1171. A. Any creditor shall be entitled to proceed by garnishment in any court having jurisdiction against any person who shall be indebted to the creditor's debtor or has any property in

his possession or under his control belonging to such creditor's debtor, in the cases, upon the conditions, and in the manner described by law.

B. Subject to the limitations and exceptions otherwise provided by law, there shall be two classes of garnishments:

1. Prejudgment garnishments, which shall consist only of general garnishments pursuant to Section 1173.3 of this title; and

2. Postjudgment garnishments, which shall consist of the following types of garnishments:

- a. Income assignment for child support pursuant to the provisions of Section 1171.2 of this title;
- b. ~~Wage~~ Noncontinuing earnings garnishment pursuant to Section 1173 of this title;
- c. Garnishment for collection of child support pursuant to Section 1173.2 of this title;
- d. General garnishment pursuant to Section 1173.3 of this title; and
- e. Continuing ~~wage~~ earnings garnishment pursuant to Section ~~3~~ 1173.4 of this ~~act~~ title.

SECTION 3. AMENDATORY 12 O.S. 1991, Section 1172.2, as amended by Section 8, Chapter 343, O.S.L. 1994 (12 O.S. Supp. 1994, Section 1172.2), is amended to read as follows:

Section 1172.2 A. When a garnishment summons is issued in any action ~~subsequent to~~ after the judgment is filed, the court clerk shall attach to the garnishment summons a notice of garnishment and exemptions required by subsection C of Section 1174 of this title and an application for the defendant to request a hearing. If the garnishee is indebted to or holds property or money belonging to the defendant, the garnishee shall immediately mail by first-class mail a copy of the notice of garnishment and exemptions and the application for hearing to the defendant at the last-known address of the defendant shown on the records of the garnishee at the time the garnishment summons was served on the garnishee. If more than one address is shown on the records of the garnishee at the time of service of the summons, the garnishee shall discharge ~~his~~ the duty by mailing the required items to any one of the addresses shown on its records. In lieu of mailing, the garnishee may hand-deliver a copy of the notice of garnishment and exemptions and the application for hearing to the defendant. The garnishee shall have no liability except for willful failure to mail or hand-deliver the copy of the notice of garnishment and exemptions and the application for hearing to the defendant. The ~~affidavit answer~~ answer of the garnishee ~~required by Section 1178 of this title should~~ shall contain a statement indicating substantial compliance with this section. ~~If an application claiming an exemption and requesting a hearing is not filed within ten (10) days from the answer date of the garnishee, the court or court clerk shall issue an order to the garnishee to pay money to the judgment creditor or into the court. In issuing the order to the garnishee to pay money to the judgment creditor or into the court, the court clerk shall not have the duty to determine whether or not the garnishee has complied with the mailing or hand-delivery requirement of this section or be held liable for complete or partial noncompliance with the notice delivery requirement by the garnishee or be held liable if the garnishee pays funds into the court prior to issuance of an order to pay. If the garnishee pays funds into the court prior to issuance of an order to pay, the judgment creditor, or court clerk should hold the funds until such time as the order to pay would regularly issue. If the application requesting a hearing is filed, the court shall set the matter for hearing within not less than two (2) nor more than ten (10) days~~

from receipt of the returned application, and the court clerk shall give notice of the hearing to each of the parties by first-class mail. ~~If the defendant proves that any assets are exempt from garnishment, the court shall issue an order to the garnishee releasing such assets. If the court finds that the assets are not exempt, it shall issue an order to pay money into court for the funds found to be nonexempt.~~ The defendant shall have the burden of proof to show that some or all of the assets subject to the garnishment are exempt. The court shall issue an order determining the exemption and directing distribution of funds, as appropriate. The court may direct such other orders to the plaintiff judgment creditor as are necessary to prevent subsequent garnishment of the exempt property.

~~B. When a garnishment summons is issued in any action subsequent to judgment, the garnishee is a financial institution, and the garnishment summons is not for the wages of an employee of the financial institution, the notice of garnishment and exemptions required by subsection C of Section 1174 of this title and an application for the defendant to request a hearing shall also be prepared by the judgment creditor and issued from the office of the court clerk to the defendant in the manner provided for in paragraphs 1, 2 or 5 of subsection D of Section 1174 of this title. The sending of the notice of garnishment and exemptions and the application for the defendant to request a hearing to the last-known address of the defendant in the manner provided for in paragraph 2 of subsection D of Section 1174 of this title shall constitute compliance with this subsection, and no further act or service of notice under this subsection shall be necessary.~~

~~C. In any case in which the garnishee is required by law or by order of the court to pay garnishment funds, the garnishee shall pay the funds directly to the judgment creditor, unless otherwise ordered by the court upon good cause shown, to pay the funds directly to the court clerk or unless due to federal law or federal regulation it is necessary that payment be made directly to the court clerk.~~

C. Any funds paid to the court clerk on a judgment, whether or not pursuant to a garnishment summons shall be paid to the garnisher judgment creditor's attorney, or to the judgment creditor if there is no attorney within twenty-one (21) days from receipt by the court clerk, notwithstanding the various times set forth above unless otherwise directed by the court. No order of disbursement shall be necessary. In distribution of funds to the judgment creditor's attorney or judgment creditor, if received pursuant to a garnishment, the court shall not have the duty to determine whether or not the garnishee has complied with the mailing or hand-delivery required of this section or be held liable for complete or partial noncompliance with the notice delivery requirement by the garnishee.

SECTION 4. AMENDATORY 12 O.S. 1991, Section 1173, is amended to read as follows:

Section 1173. A. ~~Upon the filing of a garnishment affidavit where the garnishment is on wages or earnings, garnishee summons shall be issued by the clerk of the district court and served upon each of the garnishees, in the manner provided for service of summons, and shall be returned with proof of service within five (5) days of its date except when issued to another county it shall be returned with proof of service within ten (10) days from its date.~~

~~B. Any judgment creditor may obtain a noncontinuing lien on earnings.~~ For the purposes of this section, "wages" or "earnings" means any form of ~~periodic~~ payment to an individual including, but

not limited to, salary, commission, or other compensation, but does not include reimbursements for travel expenses for state employees.

B. A noncontinuing earnings garnishment shall be commenced by filing the affidavit provided for by Section 1172 of this title.

C. The garnishee form for the summons required by this section shall be on a form prescribed by the Administrative Office of the Courts.

D. The summons shall be served upon the garnishee, together with a copy of the judgment creditor's affidavit, a garnishee's answer form, notice of garnishment and request for hearing, and claim for exemptions, in the manner provided for in Section 2004 of this title and shall be returned with proof of service within ten (10) days of its date.

E. The garnishee's answer shall be on a form prescribed by the Office of the Administrative Director of the Courts.

F. Within seven (7) days after the end of the defendant's then-current pay period or thirty (30) days from the date of service of the garnishment summons, whichever is earlier, the garnishee shall file the answer with the court clerk and the garnishee shall pay the amount withheld from the pay period to the judgment creditor's attorney or to the judgment creditor, if there is no attorney, with a copy of the answer which shall state:

1. Whether the garnishee was the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account for earnings or wages, specifying, as applicable, the beginning and ending dates of the pay period existing at the time of the service of the affidavit and summons, the total amounts earned in the pay period, and all of the facts and circumstances necessary to a complete understanding of the indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to the property, the facts and circumstances in the affidavit;

3. At the garnishee's option, any claim of exemption from execution on the part of the defendant, or other objection known to the garnishee against the right of the judgment creditor to apply the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant or any other person makes claim, at the garnishee's option, the names and addresses of such other claimants and, so far as known, the nature of the claims; and

5. That the garnishee has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

G. The garnishment summons served on the garnishee under this section is a lien on the defendant's property due at the time of service or the effective date of the summons to the extent the property is not exempt from garnishment.

H. 1. A garnishment lien under this section has priority over any subsequent garnishment lien or garnishment summons served on the garnishee.

2. When a garnishment summons is served under this section on a garnishee while a previous garnishment lien is still in effect, the garnishee shall answer the subsequent garnishment lien or garnishment summons by stating that the garnishee is presently holding defendant's property under a previous garnishment lien or

garnishment summons and by giving the date when all previous garnishment liens or garnishment summonses are expected to end.

I. When a postjudgment noncontinuing earnings garnishment under Section 1173 of this title or a continuing earnings garnishment under Section 1173.4 of this title is issued against a defendant already subject to an income assignment for child support, the garnishee shall determine the maximum percentage of the defendant's disposable earnings according to the provisions of Section 1171.2 of this title and then deduct from that percentage the actual percentage of the defendant's disposable earnings actually withheld under the income assignment. The resulting percentage shall be the amount to be withheld by the garnishee, not to exceed twenty-five percent (25%).

SECTION 5. AMENDATORY 12 O.S. 1991, Section 1173.3, is amended to read as follows:

Section 1173.3 Upon the A. A general garnishment shall be commenced by filing of such the affidavit and the undertaking and, when a hearing is required, after said hearing, where the garnishment is not on wages and is not for the collection of child support, garnishee summons shall be issued by the judge of the district court if prejudgment garnishment is sought or by the clerk of the district court if postjudgment garnishment is sought and served upon each of the garnishees, in the manner provided for service of summons, and shall be returned with proof of service within five (5) days of its date except when issued to another county it shall be returned with proof of service within ten (10) days from its date. The summons shall show on its face whether prejudgment garnishment or postjudgment garnishment is sought. The garnishee summons shall be on a form prescribed by the Administrative Office of the Courts provided for by Section 1172 of this title.

B. The summons required by this section shall be on a form prescribed by the Office of the Administrative Director of the Courts.

C. The summons required by subsection B of this section shall be served upon the garnishee together with a copy of the judgment creditor's affidavit, a garnishee's answer form, notice of garnishment and request for hearing, and claim for exemptions in the manner provided for in Section 2004 of this title and shall be returned with proof of service within ten (10) days of its date.

D. The garnishee's answer shall be on a form prescribed by the Office of the Administrative Director of the Courts.

E. Within ten (10) days after service of the garnishment, the garnishee shall file its answer with the court clerk and pay or deliver to the judgment creditor's attorney or to the judgment creditor if there is no attorney the indebtedness or property belonging to or owed to the defendant, together with a copy of the answer which shall state:

1. Whether the garnishee was indebted or under any liability to or had in garnishee's possession or control, any property belonging to the defendant. When the garnishee shall be in doubt respecting any such liability or indebtedness, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, other indebtedness, liability, lien, or claim to the property, the facts and circumstances;

3. At the garnishee's option, any claim of exemption from execution on the part of the defendant, or other objection known to

the garnishee against the right of the judgment creditor to apply the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant or any other person makes claim, at the garnishee's option, the names and addresses of such other claimants and, so far as known, the nature of the claims; and

5. That the garnishee has mailed or hand-delivered a copy of the notice of garnishment and exemptions, application for hearing, and the manner and date of compliance.

F. The garnishment summons and affidavit served on the garnishee under this section are a lien on the defendant's property due at the time of service of the summons to the extent the property is not exempt from garnishment.

SECTION 6. AMENDATORY 12 O.S. 1991, Section 1173.4, is amended to read as follows:

Section 1173.4 A. Any judgment creditor may obtain a continuing lien on wages earnings. For the purposes of this section, ~~"wages" or "earnings"~~ means any form of ~~periodic~~ payment to an individual including, but not limited to, salary, wages, commission, or other compensation, but does not include reimbursements for travel expenses for state employees.

B. A continuing wage earnings garnishment shall be commenced by filing the affidavit provided for by Section 1172 of ~~Title 12 of the Oklahoma Statutes~~ this title.

C. The summons required by this section shall be on a form prescribed by the Administrative Office of the Courts.

D. The summons required by ~~subsection C of~~ this section shall be served upon each of the garnishees, together with a copy of the plaintiff's judgment creditor's affidavit, ~~a garnishee's affidavit form~~, a garnishee's answer form, notice of garnishment and request for hearing, and claim for exemptions, in the manner provided for in Section 2004 of ~~Title 12 of the Oklahoma Statutes~~ this title and shall be returned with proof of service within ten (10) days of its date.

E. The garnishee's answer shall be on a form prescribed by the Administrative Office of the Courts.

F. Within seven (7) days after the end of each pay period, or, if the judgment debtor does not have regular pay periods, after any payment by the garnishee to the judgment debtor, the garnishee shall file an answer with the court clerk, and pay the amount withheld into court, to the plaintiff or the plaintiff's attorney to the judgment creditor's attorney or to the judgment creditor if there is no attorney together with an affidavit a copy of the answer which shall state:

1. Whether ~~he~~ the garnishee was the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account for earnings ~~or wages~~, specifying the beginning and ending dates of the pay period, if applicable, existing at the time of the service of the affidavit and summons, the total amounts earned in the entire pay period, and all of the facts and circumstances necessary to a complete understanding of ~~such~~ any indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness ~~he~~, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, ~~any~~ other indebtedness, liability, ~~any~~ lien, or claim to ~~such~~ the property, ~~he shall set forth~~ the facts and circumstances in the affidavit;

3. ~~The garnishee may, but shall have no obligation to, state~~ At the garnishee's option, any claim of exemption from execution on the part of the defendant, ~~or other objection known to him~~ the garnishee against the right of the ~~plaintiff~~ judgment creditor to apply ~~upon his demand~~ the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant, ~~and or~~ any other person ~~as well,~~ makes claim, ~~he may set forth~~ at the garnishee's option, the names and ~~residences~~ addresses of ~~such~~ other claimants and, so far as known, the nature of their claims; and

5. ~~The~~ That the garnishee shall state that he has mailed or hand-delivered a copy of the notice of garnishment and exemptions, ~~and application for hearing, as required by this section and state~~ the manner and date of compliance; ~~and~~

6. ~~The affidavit of the garnishee shall be on a form prescribed by the Administrative Office of the Courts.~~

G. The garnishment summons, ~~affidavit and answer~~ served on the garnishee under this section ~~are~~ is a lien on the defendant's property due at the time of service or the effective date of the summons, to the extent the property is not exempt from garnishment. This lien attaches to subsequent nonexempt ~~property~~ earnings until one of the following occurs: ~~(a) the~~

1. The total ~~property~~ earnings subject to the lien equals the balance of the judgment against the defendant owing to the plaintiff; ~~(b) the~~

2. The employment relationship is terminated; ~~(c) the~~

3. The judgment against the defendant is vacated, modified, or satisfied in full; ~~(d) the~~

4. The summons, ~~affidavit and answer to garnishment lien~~ are is dismissed; or ~~(e) until one~~

5. One hundred eighty (180) days from the date of service of the affidavit and summons have elapsed; provided, an affidavit and summons shall continue in effect and shall apply to a pay period beginning before the end of the one hundred eighty-day period even if the conclusion extends beyond the end of the period; ~~whichever occurs first.~~

H. 1. A garnishment lien under this section has priority over any subsequent garnishment lien or garnishment summons served on the garnishee during the period it is in effect.

2. a. When a garnishment summons ~~and answer~~ are is served under this section on a garnishee while a previous garnishment lien is still in effect, the garnishee shall answer ~~this~~ the subsequent garnishment lien or garnishment summons by stating ~~he~~ that the garnishee is presently holding defendant's property under a previous garnishment lien or garnishment summons, and by giving the date when all previous garnishment liens or garnishment summons are expected to end.

b. The subsequent summons ~~and answer~~ are is not effective if a summons or lien on the same cause of action is pending at the time of service unless the subsequent summons in the same cause of action is served after the one-hundred-fiftieth day of the previous garnishment lien.

I. When a postjudgment wage garnishment under Section 1173 of this title or a continuing earnings garnishment under this section is issued against a defendant already subject to an income assignment for child support, the garnishee shall determine the maximum percentage of the defendant's disposable earnings according to the provisions of Section 1171.2 of this title and then deduct

from that percentage the actual percentage of the defendant's disposable earnings actually withheld under the income assignment. The resulting percentage shall be the amount to be withheld by the garnishee, not to exceed twenty-five percent (25%).

J. A continuing ~~wage~~ earnings garnishment may be suspended or modified for a specific period of time within the effective period of the garnishment by the judgment creditor upon agreement with the judgment debtor, which agreement shall be in writing and filed by the judgment creditor with the clerk of the court in which the judgment was entered, and a copy of which shall be mailed by first-class mail, postage prepaid by the judgment creditor to the garnishee.

~~J.~~ K. Any garnishment issued against a debtor already subject to a continuing ~~wage~~ or noncontinuing earnings garnishment shall take effect immediately upon the conclusion of the prior garnishment, and shall be effective for its full period of time or as otherwise provided in this section.

SECTION 7. AMENDATORY 12 O.S. 1991, Section 1175, is amended to read as follows:

Section 1175. The ~~plaintiff~~ judgment creditor may in like manner subsequently proceed against other garnishees, or against the same garnishees, upon a new affidavit, if ~~he~~ the judgment creditor shall have reason to believe they have subsequently become liable.

SECTION 8. AMENDATORY 12 O.S. 1991, Section 1177, is amended to read as follows:

Section 1177. The answer of the garnishee shall in all cases be conclusive of the truth of the facts therein stated, with reference to ~~his~~ the garnishee's liability to the defendant unless the ~~plaintiff~~ judgment creditor shall within twenty (20) days from the receipt of the garnishee's answer, from the date of the deposition of the garnishee, or from receipt of the garnishee's answers to interrogatories, whichever is later, serve upon the garnishee or ~~his~~ the garnishee's attorney of record personally or by certified mail, return receipt requested, a notice in writing that ~~he~~ the judgment creditor elects to take issue ~~on his~~ with the garnishee's answer; in which case, the issue shall stand for trial as a civil action in which the affidavit on the part of the ~~plaintiff~~ judgment creditor shall be deemed the petition, and the garnishee's affidavit answer the answer thereto. If an issue for trial shall be joined between the ~~plaintiff~~ judgment creditor and a garnishee resident in another county other than that in which the action is pending, the court may, on motion, change the place of trial of such issue to the county of the garnishee's residence. The ~~plaintiff~~ judgment creditor may, in all cases, move the court, upon the answer of the garnishee, and of the defendant, if ~~he~~ the defendant shall also answer, for such judgment ~~as he~~ to which the judgment creditor shall be entitled ~~to thereon~~, but any such judgment shall be no bar beyond the facts stated in ~~such~~ the answer.

SECTION 9. AMENDATORY 12 O.S. 1991, Section 1178, is amended to read as follows:

Section 1178. A. For the purposes of this section, ~~"wages" or "earnings"~~ means any form of ~~periodic~~ payment to an individual including, but not limited to, salary, wages, commission, or other compensation, but does not include reimbursement for travel expenses for state employees.

B. Where the garnishment summons is on ~~wages~~ earnings and is issued under Section 1173 of this title, ~~then unless~~ the garnishee shall make the affidavit provided for in Section 1176 of this title, ~~he~~ shall, within seven (7) days after the end of defendant's present pay period or where a payment of earnings is due, or thirty (30)

days from the service of the summons, whichever is earlier, file an affidavit with the clerk of the court in which the action is pending and deliver or mail a copy thereof to the plaintiff judgment creditor or the plaintiff's judgment creditor's attorney of record. The affidavit shall state:

1. Whether ~~he~~ the garnishee was the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account for earnings or wages, specifying, as applicable, the beginning and ending dates of the pay period existing at the time of the service of the garnishee summons, the total amounts earned in the ~~entire~~ pay period, and all of the facts and circumstances necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness ~~he~~, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. If the garnishee shall claim any setoff, defense, ~~any~~ other indebtedness, liability, ~~any~~ lien, or claim to such property, ~~he shall set forth~~ the facts and circumstances in the affidavit;

3. ~~The garnishee may, but shall have no obligation to, state~~ At the garnishee's option, any claim of exemption from execution on the part of the defendant, or other objection known to ~~him~~ the garnishee against the right of the plaintiff judgment creditor to apply ~~upon his demand~~ the indebtedness or property disclosed;

4. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant, ~~and or~~ any other person ~~as well,~~ makes claim, ~~he may set forth the~~ at the garnishee's option, the names and ~~residences~~ addresses of such other claimants and, so far as known, the nature of ~~their~~ the claims; and

5. The garnishee shall state that he has mailed or hand-delivered a copy of the notice of garnishment and exemptions, ~~and application for hearing, as required by Section 1172.2 of this title and state the manner and date of compliance; and.~~

~~6. C.~~ The garnishee's answer ~~of the garnishee~~ shall be on a form prescribed by the Administrative Office of the Courts.

SECTION 10. AMENDATORY 12 O.S. 1991, Section 1178.1, is amended to read as follows:

Section 1178.1 A. For the purposes of this section, "wages" or "earnings" means any form of ~~periodic~~ payment to an individual including, but not limited to, salary, commission, or other compensation, but does not include reimbursement for travel expenses for state employees.

B. Where the garnishment summons is for the collection of child support and is issued under Section 1173.2 of this title, ~~then unless the garnishee shall make the affidavit provided for in Section 1176 of this title, he shall,~~ within ten (10) days from the service of the garnishee's summons or within seven (7) days after the end of defendant's current pay period or thirty (30) days from the date of service of this summons, whichever is earlier, file an affidavit with the clerk of the court in which the action is pending and deliver or mail a copy thereof to the plaintiff judgment creditor's attorney or to the plaintiff's attorney of record judgment creditor if there is no attorney. The affidavit shall state:

1. Whether ~~he~~ the garnishee was ~~at the time of the service of the garnishee summons~~ the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account, for earnings or wages specifying, ~~if indebted or liable, the amount, the interest thereon, the manner in which evidenced, when payable, whether an absolute or contingent~~

liability, as applicable, the beginning and ending dates of the pay period existing at the time of the service of the affidavit and summons, the total amounts earned in the pay period and all of the facts and circumstances necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness he, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. ~~Whether he held at the time aforesaid the title or possession of any real estate, or any interest in land of any description, or of any personal property, effects or credits, or any instruments or papers relating to any such~~ the garnishee was indebted or under any liability to or had in garnishee's possession or control, any property belonging to the defendants, or in which he is in any wise interested; and if he defendant. When the garnishee shall admit any such, or be in doubt respecting the same any such liability or indebtedness, he shall the garnishee may set forth a description of such property, and all of the facts and circumstances concerning the same, and the title, interest, or claim of the defendant in or to the same submit the question to the court;

3. If the garnishee shall claim any setoff, defense, ~~any~~ other indebtedness, liability, ~~any~~ lien, or claim to such property, ~~he shall set forth~~ the facts and circumstances in the affidavit;

4. ~~The garnishee may, but shall have no obligation to, state~~ At the garnishee's option any claim of exemption from execution on the part of the defendant, or other objection known to ~~him~~ the garnishee against the right of the ~~plaintiff~~ judgment creditor, to apply ~~upon his demand~~ the indebtedness or property disclosed;

5. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant, ~~and or~~ any other person ~~as well~~, makes claim, ~~he may set forth~~ at the garnishee's option the names and ~~residences~~ addresses of such other claimants and, so far as known, the nature of ~~their~~ the claims; ~~and~~

6. ~~The~~ That the garnishee shall state that he has mailed or hand-delivered a copy of the notice of garnishment and exemptions, ~~and application for hearing, as required by Section 1173.2 of this title and state~~ the manner and date of compliance; ~~and.~~

~~7. C.~~ The answer of the garnishee shall be on a form prescribed by the Administrative Office of the Courts.

SECTION 11. AMENDATORY 12 O.S. 1991, Section 1178.2, is amended to read as follows:

Section 1178.2 A. Where the garnishment summons is not on ~~wages~~ earnings, is not for the collection of child support and is issued under Section ~~7~~ 1173.3 of this ~~act~~ title, then unless the garnishee shall make the affidavit provided for in Section 1176 of this title, ~~he~~ the garnishee shall, within ten (10) days from the service of the garnishee's summons, file an affidavit with the clerk of the court in which the action is pending and deliver or mail a copy thereof to the ~~plaintiff~~ judgment creditor's attorney or to the plaintiff's attorney of record judgment creditor if there is no attorney. The affidavit shall state:

1. ~~Whether he~~ the garnishee was ~~at the time of the service of the garnishee summons~~ the employer of or indebted or under any liability to the defendant named in the notice in any manner or upon any account, ~~for earnings or wages~~ specifying, if indebted or liable, the amount, the interest thereon, the manner in which evidenced, when payable, whether an absolute or contingent liability as applicable, the beginning and ending dates of the pay period existing at the time of the service of the affidavit and summons, the total amounts earned in the pay period, and all of the facts and

circumstances necessary to a complete understanding of such indebtedness or liability. When the garnishee shall be in doubt respecting any such liability or indebtedness ~~he~~, the garnishee may set forth all of the facts and circumstances concerning the same, and submit the question to the court;

2. ~~Whether he held at the time aforesaid the title or possession of any real estate, or any interest in land of any description, or of any personal property, effects or credits, or any instruments or papers relating to any such~~ the garnishee was indebted or under any liability to or had in garnishee's possession or control, any property belonging to the defendants, or in which he is in any wise interested; and if he defendant. When the garnishee shall ~~admit any such, or be in doubt respecting the same, he shall~~ any such liability or indebtedness, the garnishee may set forth a description of such property, and all of the facts and circumstances concerning the same, and the title, interest, or claim of the defendant in or to the same submit the question to the court;

3. If the garnishee shall claim any setoff, defense, ~~any~~ other indebtedness, liability, ~~any~~ lien, or claim to such property, ~~he shall set forth~~ the facts and circumstances in the affidavit;

4. ~~The garnishee may, but shall have no obligation to, state At the garnishee's option,~~ any claim of exemption from execution on the part of the defendant, or other objection known to ~~him~~ the garnishee against the right of the ~~plaintiff~~ judgment creditor to apply ~~upon his demand~~ the indebtedness or property disclosed;

5. If the garnishee shall disclose any indebtedness or the possession of any property to which the defendant, ~~and or~~ any other person ~~as well,~~ makes claim, ~~he may set forth at the garnishee's option,~~ the names and ~~residences~~ addresses of such other claimants and, so far as known, the nature of ~~their~~ the claims; and

6. ~~The~~ That the garnishee shall state that he has mailed or hand-delivered a copy of the notice of garnishment and exemptions, ~~and application for hearing, as required by Section 1 of this act and state the manner and date of compliance; and.~~

~~7. B.~~ The answer of the garnishee shall ~~substantially conform with the following form:~~

GARNISHEE'S ANSWER

~~STATE OF OKLAHOMA)~~

~~) ss.~~

~~COUNTY OF _____)~~

_____, being duly sworn deposes and says:
(Affiant)

~~IF GARNISHEE IS AN INDIVIDUAL:~~

~~That he is the garnishee herein. That he does business in the name of _____~~

~~IF GARNISHEE IS A PARTNERSHIP:~~

~~That he is a member of _____
a copartnership composed of garnishee and _____~~

~~IF GARNISHEE IS A CORPORATION:~~

~~That he is the _____ of _____,
(Official Title) (Garnishee)~~

~~a corporation, organized under the laws of the state of _____.~~

~~On the _____ day of _____, 19____, garnishee was served with the Garnishee Summons set out on the reverse side hereof. At the time of said service:~~

~~1. The garnishee was indebted to the defendant in the sum of \$_____.~~

~~2. The garnishee holds title to or possession of real estate or other interest in land, personal property, effects, credits, instruments or papers belonging to defendant or in which defendant has an interest as follows:~~

~~_____
_____~~

~~3. The garnishee makes the following claim of exemption on the part of defendant, or has the following objections, defenses, or setoffs to plaintiff's right to apply garnishee's indebtedness to defendant upon plaintiff's claim:~~

~~4. The garnishee was then in no manner and upon no account indebted or under liability to the defendant, _____, and that he then did not have in his possession or under his control any property belonging to said defendant, or in which he has an interest; and is in no manner liable as garnishee in this action:~~

~~5. The garnishee mailed a copy of notice of garnishment and exemptions, and application for hearing, by first-class mail to the defendant at~~

~~_____
_____ (street address)~~

~~_____
_____ (city) _____ (state) _____ (date mailed)~~

~~or hand-delivered to _____ (defendant) _____ (place) _____ (date)~~

~~Subscribed and sworn to before me this _____ day of _____, 19____.~~

~~_____
_____ Notary Public~~

~~My Commission Expires:~~

~~_____
_____ (SEAL)~~

~~COMPLETE WHERE APPLICABLE _____ STRIKE PARTS NOT APPLICABLE _____~~

~~WHEN COMPLETED, MAIL TO: _____ (NAME)~~

DISTRICT COURT CLERK _____, COURT HOUSE
-(ADDRESS)-

_____, OKLAHOMA _____
-(CITY) _____ (ZIP CODE)

be on a form prescribed by the Administrative Office of the Courts.

SECTION 12. AMENDATORY 12 O.S. 1991, Section 1179, as amended by Section 1, Chapter 156, O.S.L. 1992 (12 O.S. Supp. 1994, Section 1179), is amended to read as follows:

Section 1179. If any garnishee, having been duly summoned, shall fail to file and deliver or mail ~~his~~ the answer affidavit as required ~~in~~ by Sections 1172.2, ~~1176,~~ 1178, 1178.1 ~~and or~~ 1178.2 of this title, to appear for deposition or to answer interrogatories as provided in Section 1183 of this title, the court shall enter an order to ~~said the~~ garnishee to file and deliver or mail ~~his~~ the answer, to appear for deposition, or to answer ~~said the~~ interrogatories within a time prescribed by the court, not to be less than seven (7) days, in ~~said the~~ order and also to deliver within the same period of time to the court or the ~~garnisher~~ judgment creditor any money or property of defendant that the garnishee is required to pay or deliver under this title. The court shall also ~~in the order~~ direct the manner in which notice of ~~said the~~ order shall be given to the garnishee ~~and shall order that notice be given in such manner.~~ The order for giving notice shall specify a manner of giving notice which is calculated to be most likely to give actual notice to the garnishee or its managing officers, directors, or agents ~~of said order.~~ ~~Said~~ The order shall specifically ~~point out to inform~~ the garnishee that the garnishee has failed to respond to the summons and shall specifically advise the garnishee that judgment will be rendered against it in the principal amount of the judgment against the defendant plus costs, which amounts will be specified, upon failure to conform with the requirements of the order. If ~~said the~~ garnishee shall fail to file and deliver or mail ~~his~~ the answer affidavit as required in ~~said the~~ order, appear for deposition, or to answer interrogatories as provided in ~~said the~~ order, then the court shall render judgment against ~~said the~~ garnishee for the amount of the judgment and costs due the ~~plaintiff~~ judgment creditor from the defendant in the principal action together with the costs of ~~such the~~ garnishment, including a reasonable attorney's fee to the ~~plaintiff~~ judgment creditor for prosecuting the garnishment. ~~Such~~ The garnishee may also be ~~proceeded against as~~ subject to punishment for contempt. ~~Provided;~~ provided, however, the court shall have power to vacate or modify any order issued pursuant to this section in the manner provided in Sections 1031 or 1031.1 of this title.

SECTION 13. AMENDATORY 12 O.S. 1991, Section 1180, is amended to read as follows:

Section 1180. The answer of a corporation summoned as a garnishee may be made by any officer or attorney thereof; and of any other garnishee, may be made by any agent or attorney, ~~in his behalf, who shall be acquainted with the facts of the garnishee.~~ ~~When neither the president or other head of such corporation, nor the secretary, cashier, or managing agent thereof, shall reside or live, or keep his office or place of business in the county when (where) the action is pending, the answer of such garnishee shall not be required in less than twenty (20) days from the service of the order and notice, and interrogatories, if any.~~

SECTION 14. AMENDATORY 12 O.S. 1991, Section 1182, is amended to read as follows:

Section 1182. The proceedings against a garnishee shall be deemed an action by the plaintiff judgment creditor against garnishee and defendant, as parties defendant, and all of the provisions for enforcing judgment shall be applicable thereto. No trial shall be had of the garnishee action until the plaintiff judgment creditor shall have judgment in the principal action, and if the defendant have judgment, the garnishee action shall be dismissed with costs, unless the plaintiff judgment creditor shall perfect an appeal according to law, in which event the garnishment proceeding shall be continued until the disposition of ~~such the~~ appeal, and it shall not be necessary to ~~take up appeal~~ the garnishment proceedings ~~to the appellate court~~, or make the garnishee a party to the appeal. The court shall render such judgment in all cases as shall be just to all of the parties, and shall properly protect their respective interests, and may adjudge the recovery of any indebtedness, the conveyance, transfer, or delivery to the sheriff, or any officer appointed by the judgment, of any property disclosed or found to be liable to be applied to the plaintiff's judgment creditor's demand, or by the judgment pass the title thereto; and may therein, or by its order when proper, direct the manner of making sale and of disposing of the proceeds thereof, or of any money or other things paid over or delivered to the clerk or officer. The judgment against a garnishee shall acquit and discharge from all demands by the defendant or ~~his~~ the defendant's representatives for all moneys, goods, effects, or credits paid, delivered or accounted for by the garnishee by force of such judgment; provided, it shall be no defense to proceedings against a garnishee that the debt owing by ~~him~~ the garnishee to the defendant was unliquidated or was not due.

SECTION 15. AMENDATORY 12 O.S. 1991, Section 1183, is amended to read as follows:

Section 1183. The garnishee may be examined by the plaintiff judgment creditor either by deposition or by written interrogatories. ~~His~~ The garnishee's deposition may be taken or interrogatories issued at any time after the service of the garnishee summons. If the garnishee be a corporation any principal officer thereof may be so examined. Within ~~ten (10)~~ twenty (20) days after the filing of the answer affidavit by the garnishee, plaintiff the judgment creditor may file and serve interrogatories ~~for~~ on the garnishee concerning any matter contained in ~~said the~~ answer or germane to any liability on ~~his~~ the garnishee's part to the principal defendant. Attached ~~thereto~~ to any interrogatories or notice of deposition shall be a statement that upon failure to answer or appear, a judgment may be taken against the garnishee as by default for the amount of the judgment and costs which the plaintiff judgment creditor shall recover against the defendant in the principal action, together with costs of such garnishment, and that the garnishee may also be proceeded against as for contempt. A copy of the interrogatories and such statement shall be served upon the garnishee or the garnishee's attorney of record in the manner provided for service of summons and shall be returned with proof of service within five (5) days from the date of filing or within ten (10) days when served in another county and the garnishee within ~~five (5)~~ ten (10) days of the date of such service shall file with the clerk, full and true answers to all such interrogatories, verified by affidavit.

SECTION 16. AMENDATORY 12 O.S. 1991, Section 1190, as amended by Section 2, Chapter 156, O.S.L. 1992 (12 O.S. Supp. 1994, Section 1190), is amended to read as follows:

Section 1190. A. A garnishee may deduct a fee of Ten Dollars (\$10.00) from the funds of the defendant in his the garnishee's possession as reimbursement for costs incurred in answering. If ~~no funds are available~~ the garnishee is not indebted to the defendant and the garnishee's answer evidencing that is filed and mailed or delivered to the plaintiff judgment creditor or to the plaintiff's judgment creditor's attorney of record, the ~~plaintiff shall pay the~~ garnishee may assess the judgment creditor a fee of Ten Dollars (\$10.00) as reimbursement for such costs.

B. 1. In case of the trial of any issue between the plaintiff judgment creditor and any garnishee, costs shall be awarded to the plaintiff and against the garnishee, in addition to ~~his the~~ garnishee's liability, if the plaintiff judgment creditor recovered more than the garnishee admitted by ~~his the~~ garnishee's answer; and if ~~he the~~ garnishee does not, the garnishee shall recover costs of the plaintiff judgment creditor. The costs shall include a reasonable attorney's fee to be taxed in favor of the prevailing party.

2. In the case of the trial to determine the amount to be recovered for due and owing child support, where any liability on the part of the garnishee is disclosed, costs shall be awarded to the plaintiff judgment creditor and against the defendant, including a reasonable attorney's fee.

C. In all other cases under this article, ~~not expressly provided for, the court may, in its discretion, award costs in favor of or against any party, in its discretion. When there is no issue for trial, and any liability on the part of the garnishee is disclosed, the costs of the garnishment proceedings shall be taxed for the plaintiff, if he recovers as disbursements in the principal action.~~

SECTION 17. AMENDATORY 12 O.S. 1991, Section 1770, as amended by Section 28, Chapter 351, O.S.L. 1993 (12 O.S. Supp. 1994, Section 1770), is amended to read as follows:

Section 1770. A. A judgment granted under the Small Claims Procedure Act, Section 1751 et seq. of Title 12 of the Oklahoma Statutes, shall become a lien on the real property of the judgment debtor within a county, and may thereafter be released, by following the procedure that is prescribed for other judgments in Section 706 of this title only from and after the time a Statement of Judgment has been filed in the office of the county clerk of that county. When requested, the court clerk shall prepare a Statement of Judgment for the judgment creditor on the a form of Statement of Judgment provided by the Administrative Director Office of the Courts of Oklahoma and said Statement of Judgment shall have printed thereon which shall include instructions advising the judgment creditor to file the Statement of Judgment in the office of the county clerk.

B. The lien of any small claims judgment when satisfied by payment or otherwise discharged shall be released by the court clerk upon written application by the judgment debtor. The court clerk shall mail notice of the judgment debtor's application to the attorney for the judgment creditor or the judgment creditor, if there is no attorney, at the last-known address of the attorney or judgment creditor. If there is no response or objection from the judgment creditor within ten (10) days after the notice is mailed, the judgment shall be released. No hearing shall be required unless requested by a party to the action. When requested, the court clerk shall prepare a Certificate of Release on a form provided by the Administrative Office of the Courts. The Certificate of Release shall include instructions advising the judgment debtor to file the

Certificate of Release in the office of the county clerk. The lien of the judgment shall be released once the Certificate of Release is filed in the office of the county clerk.

C. The party filing the application for release shall pay all recording fees and other costs.

SECTION 18. AMENDATORY 20 O.S. 1991, Section 1503, as last amended by Section 3, Chapter 130, O.S.L. 1994 (20 O.S. Supp. 1994, Section 1503), is amended to read as follows:

Section 1503. A. Every applicant who seeks to be examined for enrollment as a certified shorthand reporter shall prove to the satisfaction of the State Board of Examiners of Certified Shorthand Reporters that he or she:

1. Is of legal age;
2. Meets the requisite standards of ethical fitness; and
3. Has at least a high school education or its equivalent.

B. The examination for certification in one or more authorized methods of shorthand reporting consists of two parts, designated Part 1 and Part 2 as follows:

1. Part 1 consists of proof of having passed the Registered Professional Reporter Examination of the National Court Reporters Association (NCRA) or an equivalent test as authorized by the Supreme Court consisting of the following requirements: demonstrated proficiency in reporting testimony and proceedings at a speed of not more than two hundred (200) words per minute in taking a question-and-answer type dictation ~~only,~~ and at a speed of not more than one hundred eighty (180) words per minute in taking literary materials which shall be designed to test the ability of an applicant to accurately transcribe opening and closing arguments and in preparing an accurate transcription thereof that is reasonably free from spelling errors. The Board may not increase or decrease such minimum speed requirement, by rule or otherwise; and

2. Part 2 is the Oklahoma Written Knowledge test which consists of not less than twenty-five multiple choice questions relating to Oklahoma law and court rules, duties of certified shorthand reporters, and general court procedure. The examination shall be approved by the Supreme Court.

C. An applicant who is academically dishonest when taking any authorized examination is disqualified and may not take the examination again until two (2) years have elapsed from the date of the examination at which the applicant was disqualified.

D. A certification issued under this section must be for one or more of the following methods of shorthand reporting:

1. Written shorthand;
2. Machine shorthand; or
3. Any other method of shorthand reporting authorized by the Supreme Court.

E. No person may engage in shorthand reporting in this state unless the person is a licensed or certified shorthand reporter or otherwise authorized by law or the Supreme Court.

SECTION 19. AMENDATORY 31 O.S. 1991, Section 1.1, as amended by Section 20, Chapter 325, O.S.L. 1993 (31 O.S. Supp. 1994, Section 1.1), is amended to read as follows:

Section 1.1 A. Following the ~~issuing~~ issuance of an execution, attachment, or garnishment ~~process,~~ except process to collect a judgment or order for child support or maintenance of children or in cases in which the court has limited or reduced the application of this section pursuant to Section 4 of this act 142.18 of Title 21 of the Oklahoma Statutes, the debtor may file with the court an application requesting a hearing to exempt from such process by reason of undue hardship that portion of ~~his~~ any earnings from

personal services necessary for the maintenance of a family or other dependents supported wholly or partially by the labor of the debtor. A debtor with no family or other dependents may not claim an exemption under this section. A hearing on the application shall be set and conducted in the manner provided by Section 1172.2 of Title 12 of the Oklahoma Statutes and subsection D of Section 1174 of Title 12 of the Oklahoma Statutes.

B. In determining the existence of an undue hardship, the court should consider the income and expenses of the family ~~income, and expenses~~ and other dependents, and the standard of living created by the income and expenses. The court should also consider the standard of living in relationship to the minimal subsistence needs of the ~~debtor~~ debtor's family and other dependents, with comparison to the minimal subsistence standards in the community, in regard to basic shelter, food, clothing, personal ~~property necessities~~ and transportation. The court should then determine if the lack of the funds sought to be exempt would be an undue hardship by creating less than a minimal level of subsistence ~~level of family living~~. If deprivation of ~~said~~ these earnings would create an undue hardship on the debtor and the family or other dependents the debtor supports, the court may:

1. Order all or a portion of the personal wages exempt; or
2. In the case of a continuing wage garnishment pursuant to Section 1173.4 of Title 12 of the Oklahoma Statutes, modify or stay the garnishment.

SECTION 20. AMENDATORY 31 O.S. 1991, Section 1.3, is amended to read as follows:

Section 1.3 The determination and order issued by the court pursuant to a hearing requested under Section 1.1 of this title shall not take into consideration any total gross family income which exceeds one hundred twenty times the federal minimum hourly wage prescribed by Section 6(a)(1) of the Fair Labor Standards Act of 1938, U.S.C. Title 29, Section 206(a)(1) as amended and in effect at the time the earnings are payable or the equivalent for pay periods other than one (1) week. The excess amounts shall not be subject to ~~the seventy-five percent (75%) wage exemption as provided in paragraph 18 of subsection A of Section 1 of this title or exemption~~ due to undue hardship.

SECTION 21. AMENDATORY 42 O.S. 1991, Section 177, is amended to read as follows:

Section 177. If any lien shall be filed under the provisions of this chapter, and no action to foreclose such lien shall have been commenced, the owner of the land may file his petition in the district court of the county in which said land is situated, making said lien claimants defendants therein, and praying for an adjudication of said lien so claimed, and if such lien claimant shall fail to establish his lien, the court may tax against said claimant the whole, or such portion of the costs of such action as may be just. Provided, that if no action to foreclose or adjudicate any lien filed under the provisions of this chapter shall be instituted within one (1) year from the filing of said lien, the lien is canceled by limitation of law. If a lien is canceled by limitation of law, the owner of the land may file an affidavit attesting to the cancellation with the county clerk of the county in which the land is located. Upon receipt of the affidavit, the county clerk shall attach the affidavit to the original lien document in the lien docket file and enter a notation of the filing in the mechanics' lien journal. The affidavit shall be on a form prescribed by the Office of the Administrative Director of the Courts.

SECTION 22. REPEALER 12 O.S. 1991, Section 1176 and 31 O.S. 1991, Section 1.2, are hereby repealed.

SECTION 23. Sections 1 through 17 and 19 through 22 of this act shall become effective November 1, 1995.

SECTION 24. Section 18 of this act shall become effective January 1, 1996.

Passed the House of Representatives the 23rd day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 23rd day of May, 1995.

President of the Senate