

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011—12 REGULAR SESSION

ASSEMBLY BILL

No. 1388

Introduced by Assembly Member Wieckowski

February 18, 2011

~~An act to amend Section 26001 of the Public Resources Code, relating to energy. An act to amend Section 706.051 of the Code of Civil Procedure, relating to judgment debtors.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1388, as amended, Wieckowski. ~~California Alternative Energy and Advanced Transportation Financing Authority Act. Earnings withholding orders.~~

Existing law requires an employer to withhold the amounts required by an earnings withholding order from all earnings of the employee payable for any pay period of the employee that ends during the withholding period. Under existing law, the portion of the judgment debtor's earnings that the judgment debtor proves is necessary for the support of the judgment debtor or the judgment debtor's family supported in whole or in part by the judgment debtor is exempt from the levy of an earnings withholding order. This exemption is not available if the debt was incurred for the common necessities of life furnished to the judgment debtor or the family of the judgment debtor.

This bill would delete that restriction on the exemption from the levy of an earnings withholding order.

~~Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority Act, which is intended to provide industry within this state with an alternative method of financing alternative methods and sources of energy in this state. The~~

~~act includes various legislative findings and declarations relating to the need to develop renewable energy sources and promote energy sources that reduce the degradation of the environment and protect the health, welfare, and safety of the public.~~

~~This bill would make a technical, clarifying change in those legislative findings and declarations.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 706.051 of the Code of Civil Procedure
2 is amended to read:

3 706.051. (a) For the purposes of this section, “family of the
4 judgment debtor” includes the spouse or former spouse of the
5 judgment debtor.

6 (b) Except as provided in subdivision (c), the portion of the
7 judgment debtor’s earnings ~~which~~ *that* the judgment debtor proves
8 is necessary for the support of the judgment debtor or the judgment
9 debtor’s family supported in whole or in part by the judgment
10 debtor is exempt from levy under this chapter.

11 (c) The exemption provided in subdivision (b) is not available
12 if any of the following exceptions applies:

13 ~~(1) The debt was incurred for the common necessities of life~~
14 ~~furnished to the judgment debtor or the family of the judgment~~
15 ~~debtor.~~

16 ~~(2)~~

17 (1) The debt was incurred for personal services rendered by an
18 employee or former employee of the judgment debtor.

19 ~~(3)~~

20 (2) The order is a withholding order for support under Section
21 706.030.

22 ~~(4)~~

23 (3) The order is one governed by Article 4 (commencing with
24 Section 706.070) (state tax order).

25 SECTION 1. ~~Section 26001 of the Public Resources Code is~~
26 ~~amended to read:~~

27 26001. ~~The Legislature hereby finds and declares all of the~~
28 ~~following:~~

1 ~~(a) It is essential that the state, in cooperation with the federal~~
2 ~~government, use all practical and commercially feasible means to~~
3 ~~promote the prompt and efficient development of energy sources~~
4 ~~which are renewable or which more efficiently utilize and conserve~~
5 ~~finite energy resources.~~

6 ~~(b) The promotion of energy sources which reduce the~~
7 ~~degradation of the environment and which protect the health,~~
8 ~~welfare, and safety of the people of this state is in the public interest~~
9 ~~and serves a public purpose.~~

10 ~~(c) It is essential that the state, in cooperation with the federal~~
11 ~~government, use all practical and commercially feasible means to~~
12 ~~promote the development and commercialization of advanced~~
13 ~~transportation technologies to conserve energy, reduce air pollution,~~
14 ~~promote economic development and jobs, and protect the health,~~
15 ~~welfare, and safety of the people of the state.~~

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