

To: Scope and Program Committee
From: Jack Davies
Date: January 5, 2012
Re: Uniform Wage Garnishment Act Proposal

I add my support to the American Payroll Association request that the ULC undertake the drafting of a Uniform Wage Garnishment Act.

The American Payroll Association memo is compelling on the issue of need. Their commitment to help with enactment is sincere and creditable.

It appears to me that each one of the issues the APA suggests might be addressed by a uniform act would, with uniformity, serve the community by increasing efficiency, fairness, and common sense. But, if any single issue was determined to be too hot to handle, that issue could be omitted from the uniform act without undermining the overall usefulness of the act.

I have for years urged that the ULC take on a drafting project in the debtor-creditor field. My conviction that this would be a good project goes way back to when, as a state senator, I was participating in trying to shape an efficient and fair wage garnishment law for Minnesota, a law that would serve employers, debtors, and creditors.

My conviction that the ULC should take up the subject continued – with even more confidence – when I began to teach Debtor/Creditor law. I then found it necessary to construct my own Minnesota materials, for national scholarship was shallow – and irrelevant to Minnesota. Any law as local as wage garnishment has been never receives the academic based intellectual thought necessary to make it fair and wise. But the APA memo shows that the 50 states have been laboratories. The inconsistency of the law in the various states the APA memo reports shows that there are many policies that have been enacted in one or more states that could be examined and evaluated by a ULC drafting committee to select those policies and tools that would make a uniform act hugely useful to state legislatures.

Debtor/Creditor law is the one subject that is both private law and predominantly statutory that has not been addressed by the ULC. Debtor-creditor law needs thoughtful intellectual attention. The ULC can give it the intellectual attention required.

And wage garnishment is the place to start.

Finally, this drafting project would be a challenge and, therefore, exciting for commissioners.