

Amendments to Senate Bill No. 8
1st Reading Copy

Requested by Senator Glenn Roush

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
January 21, 2005 (7:49am)

1. Title, page 1, line 17.
Following: "39-71-741,"
Insert: "39-71-743,"

2. Page 13.
Following: line 20

Insert: "Section 10. Section 39-71-743, MCA, is amended to read:
"39-71-743. **Assignment or attachment of payments.** (1)
Payments under this chapter may not be assignable, subject to attachment or garnishment, or held liable in any way for debts, except:

(a) as provided in 71-3-1118;
(b) a portion of any lump-sum award or periodic payment to pay a monetary obligation for current or past-due child support, subject to the limitations in subsection (2), whenever the support obligation is established by order of a court of competent jurisdiction or by order rendered in an administrative process authorized by state law; or

(c) as provided in 53-2-612 or 53-2-613 for medical benefits paid pursuant to chapter 71 or 72 of this title.

(2) Payments under this chapter are subject to assignment, attachment, or garnishment for child support as follows:

(a) for any periodic payment, an amount up to the percentage amount established in the guidelines promulgated by the department of public health and human services pursuant to 40-5-209; or

(b) for any lump-sum award, an amount up to that portion of the award that is approved for payment on the basis of necessary to pay current child support and a past-due child support obligation.

(3) After determination that the claim is covered under the Workers' Compensation Act or Occupational Disease Act of Montana, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. Except as provided in 39-71-704(7), a fee or charge is not payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer."

{Internal References to 39-71-743:
x31-2-106}"

Renumber: subsequent sections

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