





## SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 3

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 8** (first reading copy -- white) do pass as amended.

Signed: \_\_\_\_\_

*Vicki Cocchiarella*  
Senator Vicki Cocchiarella, Chair

And, that such amendments read:

1. Title, page 1, line 17.

Following: "39-71-741,"

Insert: "39-71-743,"

2. Page 8, line 7.

Following: "~~every insurer~~"

Insert: "insured by a plan No. 2 or a plan No. 3 insurer"

3. Page 9, line 16.

Following: "(5)"

Strike: "~~When~~" through "~~more insurers~~"

Insert: "If there is no dispute that an insurer is liable for an injury but there is a liability dispute between two or more insurers"

4. Page 9, line 17.

Following: the first "insurer"

Strike: "~~at risk to pay benefits~~"

5. Page 9, line 19.

Following: "insurer"

Strike: "~~at risk to pay~~"

Committee Vote:

Yes 11, No 0.

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KJ

6. Page 9, line 20.

Following: the first "insurer"

Strike: "may seek"

Insert: "must receive"

7. Page 11, line 16.

Following: "An"

Insert: "undisputed"

8. Page 13, line 5.

Following: "if"

Strike: "a claimant and"

Following: "insurer"

Strike: "dispute"

Insert: "disputes"

9. Page 13, line 6.

Following: "the"

Insert: "medical treatment or"

10. 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."

**Renumber:** subsequent sections

11. Page 14, lines 13 through 14.

**Following:** "services" on line 13

**Strike:** remainder of line 13 through "entitlement" on line 14

- END -



## SENATE STANDING COMMITTEE REPORT

January 25, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 243** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Vicki Cocchiarella*  
Senator Vicki Cocchiarella, Chair

**And, that such amendments read:**

1. Title, page 1, line 5.

**Following:** "SUBWAREHOUSE;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.

**Following:** line 27

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

- END -

**Committee Vote:**

Yes 10, No 0.

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*KA*

PROXY VOTE

I, the undersigned, hereby authorize Senator Cocchiarella to

vote my proxy on any issue before the Senate Business, Labor & Economic Affairs

Committee held on January 25, 2005.

SB 8

SB 243



SENATOR  
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Tropita to

vote my proxy on any issue before the Senate Business and Labor

Committee held on January 25, 2005.

SB 8

SB 243

Frank Smith

SENATOR  
STATE OF MONTANA

**MONTANA STATE SENATE  
2005 LEGISLATURE**

**VISITOR REGISTER**

**BUSINESS AND LABOR**

DATE 1-25-05 BILLS BEING HEARD TODAY Senate Business

SB243 SB 78

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Charles Brooks	698-2380	Billing, Chum Lac	SB 78		✓
Bob Nichol	587-1770	Retiree 6	SB 78	✓	
Steve Kelly	586-4421	Sm. Business / Bozeman	SB 78	✓	
Don Judge	459-1708	Teachers Local 190	SB 78	X	
ELAINZ TAYLOR	459-7658	MILLER BREWING	SB 243	X	
Dale Markovich	782-9158	Summit Beverage	SB 243	X	
Dave Hewitt	442-2671	CLANSON Dist 10	SB 243	X	
Helen Christensen	442-1229	Self	SB 78	X	
Terry Minow	442-4250	MEA - MFT	SB 78	X	
Kristi Blaz	459-1318		SB 243	X	
Brad Griffin	855-5925	MT RET & RETAIL and Food Distributors	78		✓
Peter Christ	446-9900	Self	SB 78		X
Anne Christ	"	Self	"		X
Laura Fry	449-7779	Self	SB 78		X
<del>Terry Lindmark</del>	459-9440	MT Human Rights	SB 78	X	
Bob Ream	442-9520	MT Democratic Party	SB 78	X	
JACQUE HOLT	549-5531	UNITED 1206 / AFL-CIO	SB 78	✓	
Jessica Grennan	360-6043	ASU M	SB 78	X	
Carl Schweitzer	413-8514	Bozeman and Kalispell Chamber	SB 78		X
EENE FENDERSON	431-6657	LABORERS UNION	SB-78	✓	
KEM ABBOTT	439-8721	WFEU	SB 78	X	

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**

**MONTANA STATE SENATE  
2005 LEGISLATURE**

**VISITOR REGISTER**



**BUSINESS AND LABOR**

**DATE** 11/25/05 **BILLS BEING HEARD TODAY** \_\_\_\_\_

SB 78, SB 243

**PLEASE PRINT**

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
FRANK SMITH	768-3841	SELF	SB 78	X	
JERRY DRISCOLL	860-8070	AFL-CIO	SB 28	X	
Eric Schiedermayer		MT Catholic Conference	SB 78	X	
Neil Peterson	444-1941	Dept of Revenue	SB 243	informational	
Keith Allen	459-4500	IBEW	SB 78	XXX	
Delay Johnson	443-3797	NFRB	SB 78		X
Linda Gryczan	431-3635	MT Q's Lobby	SB 78	X	
Jason Miller	888-3600	Carpenters	SB 78	X	
Chris Gratzon	388-6701	BPU/Boymen	SB 78	X	
Just Smith	543-3580	WORD/WORD	SB 78	X	
Bonnie Raft	442-2401	MT Chamber	SB 78		X
Kynda Carpenter-Wiggers	899-5659	Great Falls/Helen Chambers	SB 78		X
Mark Anderlik	549-5931	UNITE HERE 427	SB 78	X	

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**