

SENATE BILL NO. 2

(First Special Session)

INTRODUCED BY S. BROWN, NELSON, HARPER, ELLERD

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

IN THE SENATE

November 16, 1981

**Introduced and referred to
Committee on Labor and
Employment Relations.**

November 17, 1981

**Committee recommend bill do pass.
Report adopted.**

November 18, 1981

**Bill printed and placed on
members' desks.**

**On motion rules suspended. Bill
referred to second reading for
consideration this day.**

Second reading, do pass.

**On motion rules suspended. Bill
placed on calendar for third
reading this day.**

**Third reading, passed. Ayes, 47;
Noes, 2. Transmitted to House.**

IN THE HOUSE

November 18, 1981

**Introduced and referred to
Committee on Labor.**

November 19, 1981

**Committee recommend bill be
concurrent in. Report adopted.**

November 20, 1981

**Second reading, concurrent in.
Ayes, 82; Noes, 9.**

November 20, 1981

On motion rules suspended and
bill placed on third reading
this day.

Third reading, concurred in.
Ayes, 86; Noes, 9.

IN THE SENATE

November 21, 1981

Returned from House. Concurred
in. Sent to enrolling.

Reported correctly enrolled.

Special Session I
Senate BILL NO. *3*
 INTRODUCED BY S. BROWN, H. NELSON *For* *Callad*
 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

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 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
 6 UNEMPLOYMENT INSURANCE DIVISION TO INQUIRE CONCERNING CHILD
 7 SUPPORT, TO NOTIFY THE APPLICABLE CHILD SUPPORT ENFORCEMENT
 8 AGENCY AND UNDER CERTAIN CIRCUMSTANCES TO TRANSMIT A PORTION
 9 OF THE UNEMPLOYMENT INSURANCE BENEFITS TO THE ENFORCEMENT
 10 AGENCY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Child support interception of
 14 unemployment benefits. (1) For purposes of this section, the
 15 following definitions apply:

16 (a) "Unemployment compensation" means any compensation
 17 payable under the Montana unemployment insurance law,
 18 including amounts payable by the division pursuant to an
 19 agreement under any federal law providing for compensation,
 20 assistance, or allowances with respect to unemployment.

21 (b) "Child support obligations" includes only
 22 obligations that are being enforced pursuant to a plan
 23 described in Section 454 of the Social Security Act which
 24 has been approved by the secretary of health and human
 25 services under Part D of Title IV of the Social Security

1 Act.
 2 (c) "State or local child support enforcement agency"
 3 means any agency of a state or political subdivision thereof
 4 operating pursuant to a plan provided for in subsection
 5 (1)(b).

6 (2) An individual filing a new claim for unemployment
 7 compensation shall, at the time of filing the claim,
 8 disclose whether or not he owes child support obligations.
 9 If an individual discloses that he owes child support
 10 obligations and the individual is determined to be eligible
 11 for unemployment compensation, the division shall notify the
 12 state or local child support enforcement agency enforcing
 13 such obligation that the individual has been determined to
 14 be eligible for unemployment compensation.

15 (3) The division shall deduct and withhold from any
 16 unemployment compensation payable to an individual owing
 17 child support obligations:

18 (a) the amount specified by the individual to the
 19 division to be deducted and withheld under this subsection
 20 if neither subsection (3)(b) nor (3)(c) is applicable;

21 (b) the amount, if any, determined pursuant to an
 22 agreement submitted to the division under Section
 23 454(20)(B)(i) of the Social Security Act by the state or
 24 local child support enforcement agency, unless subsection
 25 (3)(c) is applicable; or

1 (c) any amount otherwise required to be so deducted
2 and withheld from such unemployment compensation pursuant to
3 legal process, as that term is defined in Section 462(e) of
4 the Social Security Act, properly served upon the division.

5 (4) The division shall pay any amount deducted and
6 withheld under subsection (3) to the appropriate state or
7 local child support enforcement agency.

8 (5) Deductions may be made pursuant to this section
9 only if appropriate arrangements have been made for
10 reimbursement by the state or local child support
11 enforcement agency for the administrative costs incurred by
12 the division under this section.

13 (6) Any amount deducted and withheld under subsection
14 (3) must be treated as if it were paid to the individual as
15 unemployment compensation and paid by such individual to the
16 state or local child support enforcement agency in
17 satisfaction of the individual's child support obligations.

18 Section 2. Codification instruction. Section 1 is
19 intended to be codified as an integral part of Title 39,
20 chapter 51, and the provisions of Title 39, chapter 51,
21 apply to section 1.

22 Section 3. Effective date. This act is effective on
23 passage and approval.

-End-

Approved by Committee
on Labor & Employment
Relations

Special Session I
State BILL NO. *2*
Approved
INTRODUCED BY S. BROWN, H. NELSON *Approved*

1
2
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
6 UNEMPLOYMENT INSURANCE DIVISION TO INQUIRE CONCERNING CHILD
7 SUPPORT, TO NOTIFY THE APPLICABLE CHILD SUPPORT ENFORCEMENT
8 AGENCY AND UNDER CERTAIN CIRCUMSTANCES TO TRANSMIT A PORTION
9 OF THE UNEMPLOYMENT INSURANCE BENEFITS TO THE ENFORCEMENT
10 AGENCY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Child support interception of
14 unemployment benefits. (1) For purposes of this section, the
15 following definitions apply:

16 (a) "Unemployment compensation" means any compensation
17 payable under the Montana unemployment insurance law,
18 including amounts payable by the division pursuant to an
19 agreement under any federal law providing for compensation,
20 assistance, or allowances with respect to unemployment.

21 (b) "Child support obligations" includes only
22 obligations that are being enforced pursuant to a plan
23 described in Section 454 of the Social Security Act which
24 has been approved by the secretary of health and human
25 services under Part D of Title IV of the Social Security

1 Act.
2 (c) "State or local child support enforcement agency"
3 means any agency of a state or political subdivision thereof
4 operating pursuant to a plan provided for in subsection
5 (1)(b).

6 (2) An individual filing a new claim for unemployment
7 compensation shall, at the time of filing the claim,
8 disclose whether or not he owes child support obligations.
9 If an individual discloses that he owes child support
10 obligations and the individual is determined to be eligible
11 for unemployment compensation, the division shall notify the
12 state or local child support enforcement agency enforcing
13 such obligation that the individual has been determined to
14 be eligible for unemployment compensation.

15 (3) The division shall deduct and withhold from any
16 unemployment compensation payable to an individual owing
17 child support obligations:

18 (a) the amount specified by the individual to the
19 division to be deducted and withheld under this subsection
20 if neither subsection (3)(b) nor (3)(c) is applicable;

21 (b) the amount, if any, determined pursuant to an
22 agreement submitted to the division under Section
23 454(20)(B)(i) of the Social Security Act by the state or
24 local child support enforcement agency, unless subsection
25 (3)(c) is applicable; or

SECOND READING

1 (c) any amount otherwise required to be so deducted
2 and withheld from such unemployment compensation pursuant to
3 legal process, as that term is defined in Section 462(e) of
4 the Social Security Act, properly served upon the division.

5 (4) The division shall pay any amount deducted and
6 withheld under subsection (3) to the appropriate state or
7 local child support enforcement agency.

8 (5) Deductions may be made pursuant to this section
9 only if appropriate arrangements have been made for
10 reimbursement by the state or local child support
11 enforcement agency for the administrative costs incurred by
12 the division under this section.

13 (6) Any amount deducted and withheld under subsection
14 (3) must be treated as if it were paid to the individual as
15 unemployment compensation and paid by such individual to the
16 state or local child support enforcement agency in
17 satisfaction of the individual's child support obligations.

18 Section 2. Codification instruction. Section 1 is
19 intended to be codified as an integral part of Title 39,
20 chapter 51, and the provisions of Title 39, chapter 51,
21 apply to section 1.

22 Section 3. Effective date. This act is effective on
23 passage and approval.

-End-

Special Session I
State BILL NO. *3*
 INTRODUCED BY S. BROWN, H. NELSON *Anger Callah*

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE UNEMPLOYMENT INSURANCE DIVISION TO INQUIRE CONCERNING CHILD SUPPORT, TO NOTIFY THE APPLICABLE CHILD SUPPORT ENFORCEMENT AGENCY AND UNDER CERTAIN CIRCUMSTANCES TO TRANSMIT A PORTION OF THE UNEMPLOYMENT INSURANCE BENEFITS TO THE ENFORCEMENT AGENCY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Child support interception of unemployment benefits. (1) For purposes of this section, the following definitions apply:

(a) "Unemployment compensation" means any compensation payable under the Montana unemployment insurance law, including amounts payable by the division pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(b) "Child support obligations" includes only obligations that are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the secretary of health and human services under Part D of Title IV of the Social Security

Act.

(c) "State or local child support enforcement agency" means any agency of a state or political subdivision thereof operating pursuant to a plan provided for in subsection (1)(b).

(2) An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, disclose whether or not he owes child support obligations. If an individual discloses that he owes child support obligations and the individual is determined to be eligible for unemployment compensation, the division shall notify the state or local child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

(3) The division shall deduct and withhold from any unemployment compensation payable to an individual owing child support obligations:

(a) the amount specified by the individual to the division to be deducted and withheld under this subsection if neither subsection (3)(b) nor (3)(c) is applicable;

(b) the amount, if any, determined pursuant to an agreement submitted to the division under Section 454(20)(B)(i) of the Social Security Act by the state or local child support enforcement agency, unless subsection (3)(c) is applicable; or

1 (c) any amount otherwise required to be so deducted
2 and withheld from such unemployment compensation pursuant to
3 legal process, as that term is defined in Section 462(e) of
4 the Social Security Act, properly served upon the division.

5 (4) The division shall pay any amount deducted and
6 withheld under subsection (3) to the appropriate state or
7 local child support enforcement agency.

8 (5) Deductions may be made pursuant to this section
9 only if appropriate arrangements have been made for
10 reimbursement by the state or local child support
11 enforcement agency for the administrative costs incurred by
12 the division under this section.

13 (6) Any amount deducted and withheld under subsection
14 (3) must be treated as if it were paid to the individual as
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17 satisfaction of the individual's child support obligations.

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19 intended to be codified as an integral part of Title 39,
20 chapter 51, and the provisions of Title 39, chapter 51,
21 apply to section 1.

22 Section 3. Effective date. This act is effective on
23 passage and approval.

-End-

1 SENATE BILL NO. 2 (1st SS)

2 INTRODUCED BY S. BROWN, H. NELSON, HARPER, ELLERD
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE
6 UNEMPLOYMENT INSURANCE DIVISION TO INQUIRE CONCERNING CHILD
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17 payable under the Montana unemployment insurance law,
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22 obligations that are being enforced pursuant to a plan
23 described in Section 454 of the Social Security Act which
24 has been approved by the secretary of health and human
25 services under Part D of Title IV of the Social Security

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2 (c) "State or local child support enforcement agency"
3 means any agency of a state or political subdivision thereof
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16 unemployment compensation payable to an individual owing
17 child support obligations:

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19 division to be deducted and withheld under this subsection
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24 local child support enforcement agency, unless subsection
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