

SENATE BILL NO. 402

INTRODUCED BY FULLER, MAZUREK, LYNCH

IN THE SENATE

February 13, 1985	Introduced and referred to Committee on Labor and Employment Relations.
February 22, 1985	Committee recommend bill do pass as amended. Report adopted.
February 23, 1985	Bill printed and placed on members' desks.
February 26, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

March 7, 1985	Introduced and referred to Committee on Business and Labor.
March 28, 1985	Committee recommend bill be concurred in as amended. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Returned to Senate with amendments.

IN THE SENATE

April 1, 1985	Received from House.
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April 3, 1985

Second reading, amendments
concurrent in.

April 5, 1985

Third reading, amendments
concurrent in.

Ayes, 45; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *402*
 2 INTRODUCED BY *Fuller, Margaret Ingham*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A LUMP-SUM
 5 ADVANCE SETTLEMENT IN CERTAIN WORKERS' COMPENSATION CASES;
 6 PROVIDING THAT THE WORKERS' COMPENSATION JUDGE HAS
 7 JURISDICTION OVER A SETTLEMENT CONTROVERSY; AND AMENDING
 8 SECTION 39-71-737, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 39-71-737, MCA, is amended to read:

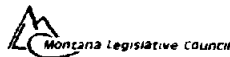
12 "39-71-737. Compensation to run consecutively --
 13 exceptions. (1) Compensation shall run consecutively and
 14 not concurrently, and payment shall not be made for two
 15 classes of disability over the same period. However,
 16 subject to the provisions of 39-71-741, this section does
 17 not prevent:

18 (a) the payment of a lump-sum advance settlement
 19 against projected future permanent partial or permanent
 20 total disability benefits while a claimant is receiving
 21 either temporary total or permanent total disability
 22 benefits; or

23 (b) a settlement of a combination of different classes
 24 of disability benefits into a lump sum or into a combination
 25 of periodic and lump-sum payments.

1 (2) A controversy between a claimant and an insurer
 2 regarding a settlement authorized under this section is a
 3 dispute for which the workers' compensation judge has
 4 jurisdiction to make a determination."
 5 NEW SECTION. Section 2. Extension of authority. Any
 6 existing authority of the division of workers' compensation
 7 to make rules on the subject of the provisions of this act
 8 is extended to the provisions of this act.

-End-



APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

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SECOND READING



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THIRD READING

STANDING COMMITTEE REPORT

HOUSE

March 28

85

..... 19

SPEAKER

MR.

BUSINESS AND LABOR

We, your committee on

SENATE

having had under consideration Bill No. **402**

third reading copy (blue)
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AUTHORIZE CERTAIN WORKERS' COMPENSATION LUMP-SUM SETTLEMENTS

SENATE

Respectfully report as follows: That Bill No. **402**

BE AMENDED AS FOLLOWS:

- Page 1, line 21
Following: "receiving"
Strike: "either"
Following: "total"
Strike: "or permanent total"

~~XXXXXX~~

BE CONCURRED IN AS AMENDED

.....
Rep. Bob Pavlovich,

Chairman.

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REFERENCE BILL