

HOUSE BILL 12

Introduced by Pavlovich, et al.

12/27	Introduced
12/27	Referred to State Administration
12/28	Fiscal Note Requested
1/06	Fiscal Note Received
1/07	First Reading
1/07	Fiscal Note Printed
1/24	Hearing
1/24	Committee Report--Bill Passed as Amended
1/26	2nd Reading Passed
1/26	Taken from Engrossing and Referred to Appropriations
1/29	Revised Fiscal Note Requested
1/31	Revised Fiscal Note Received
1/31	Revised Fiscal Note Printed
3/19	Hearing
	Died in Committee

HOUSE BILL NO. 12

INTRODUCED BY PAVLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MONTHLY PAYMENTS TO VICTIMS OF SILICOSIS FROM \$200 TO \$225; AND AMENDING SECTIONS 39-73-103, 39-73-104, AND 39-73-107, MCA."

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

Section 1. Section 39-73-103, MCA, is amended to read:

"39-73-103. Conformity with acts of federal government.

If and when the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, as herein defined, the department of labor and industry is hereby authorized to administer in the state of Montana such grants-in-aid and payments in addition to grants made by this chapter. The total payments to any individual under this chapter shall may not exceed \$200 \$225 per month, exclusive of any grants made by congress."

Section 2. Section 39-73-104, MCA, is amended to read:

"39-73-104. Eligibility requirements for benefits.

Payment shall be made under this chapter to any person who:

(1) has silicosis, as defined in 39-73-101, which results in his total disability so as to render it impossible for him to follow continuously any substantially gainful occupation;

(2) has resided in and been an inhabitant of the state of Montana for 10 years or more immediately preceding the date of the application; and

(3) is not receiving, with respect to any month for which he would receive a payment under this chapter, compensation under The Occupational Disease Act of Montana, as provided by chapter 72 of this title, which will equal the sum of \$200 \$225."

Section 3. Section 39-73-107, MCA, is amended to read:

"39-73-107. Amount of payments. Subject to the

provisions of this chapter and the deductions herein provided, any person who has silicosis, as defined in this chapter, and who has, subject to the regulations and standards of the department of labor and industry, been determined by the department to be entitled payment under this chapter for silicosis shall be granted a payment by the department of \$200 \$225 per month, subject to such appropriations as may from time to time be made. If he is receiving payments under The Occupational Disease Act of Montana, as provided by chapter 72 of this title, which are less in the aggregate than \$200 \$225, then he is entitled to a payment under this chapter of the difference between the amount received under The Occupational Disease Act of Montana, as provided by chapter 72 of this title, and \$200 \$225 per month. The legislature shall authorize such



HB 0012/01

- 1 additional appropriations as may be necessary to make the
- 2 increased monthly payments provided herein."

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0012, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to increase maximum monthly payments to silicosis benefits recipients pursuant to 39-73-107, MCA, from \$200 to \$225.

ASSUMPTIONS:

1. Only silicosis benefits received by individuals pursuant to Section 39-73-107, MCA, ("\$200-recipients") are affected.
2. The number of recipient-months (the sum of recipients in each of the 12 months of the fiscal year) is projected to decline from 1,584 in FY91 to 1,512 in FY92 to 1,440 in FY93. The average age of program beneficiaries exceeds 70 years. Projections based on national actuarial data indicate a sustained decline in the number of current beneficiaries. No new silicosis cases are expected to be opened in the 1993 biennium.
3. The average monthly payment per recipient is equal to the maximum, i.e., no recipient of silicosis benefits also receives an offsetting payment under the Occupational Disease Act of Montana.
4. Administrative costs would not be affected.

FISCAL IMPACT:


Department of Labor & Industry:

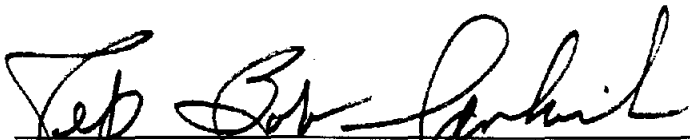
Expenditures:

	FY '92			FY '93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund	302,400	340,200	37,800	288,000	324,000	36,000

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The number of program beneficiaries are projected to decline. The silicosis program is not expected to survive as a significant cost element over the decade. The fiscal impact of HB012 would decline commensurately.

  
ROD SUNDSTED, BUDGET DIRECTOR      DATE 1-5-91  
Office of Budget and Program Planning

  
BOB PAVLOVICH, PRIMARY SPONSOR      DATE  
Fiscal Note for HB0012, as introduced      **HB 12**

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0012, second reading.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to increase maximum monthly payments to silicosis benefits recipients to \$225.

ASSUMPTIONS:

1. The maximum monthly payment to individuals eligible for silicosis benefits pursuant to 39-73-107 ("\$200-recipients", i.e., silicosis victims) would increase from \$200 to \$225. The maximum monthly payment to individuals eligible for silicosis benefits pursuant to 39-73-109 ("\$100-recipients", i.e., surviving spouse) would increase from \$100 to \$225.
2. The number of \$200-recipient-months (the sum of recipients in each of the 12 months of the fiscal year) is projected to decline from 1,584 in FY91 to 1,512 in FY92 to 1,440 in FY93. The number of \$100-recipient-months is projected to decline from 960 in FY91 to 864 in FY92 to 768 in FY93. The average age of program beneficiaries exceeds 70 years. Projections based on national actuarial data indicate a sustained decline in the number of current beneficiaries. No new silicosis cases are expected to be opened in the 1993 biennium.
3. The average monthly payment per recipient is equal to the maximum, i.e., no recipient of silicosis benefits also receives an offsetting payment under the Occupational Disease Act of Montana.
4. Administrative costs would not be affected.


FISCAL IMPACT:

Department of Labor & Industry:

	FY '92			FY '93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
"\$100-Recipients"	86,400	194,400	108,000	76,800	172,800	96,000
"\$200-Recipients"	<u>302,400</u>	<u>340,200</u>	<u>37,800</u>	<u>288,000</u>	<u>324,000</u>	<u>36,000</u>
Total	388,800	534,600	145,800	364,800	496,800	132,000
<u>Funding</u>						
General Fund (01)	388,800	534,600	145,800	364,800	496,800	132,000

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The number of program beneficiaries are projected to decline. The silicosis program is not expected to survive as a significant cost element over the decade. The fiscal impact of HB0012 would decline commensurately.

  
 \_\_\_\_\_ 1-30-91  
 ROD SUNDSTED, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

  
 \_\_\_\_\_ 1/31/91  
 BOB PAVLOVICH, PRIMARY SPONSOR      DATE

Fiscal Note for HB0012, second reading      **HB 12**  
 SECOND READING

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

HOUSE BILL NO. 12

INTRODUCED BY PAVLOVICH, LYNCH, HARRINGTON, MENAHAN,  
DAILY, D. BROWN, GERVAIS, QUILICI, DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MONTHLY  
PAYMENTS TO VICTIMS OF SILICOSIS FROM \$200 TO \$225; AND  
AMENDING SECTIONS 39-73-103, 39-73-104, AND 39-73-107, AND  
39-73-109, MCA."

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

**Section 1.** Section 39-73-103, MCA, is amended to read:

"39-73-103. Conformity with acts of federal government.

If and when the government of the United States makes grants  
to states in aid of and allowing payments to persons having  
silicosis, as herein defined, the department of labor and  
industry is hereby authorized to administer in the state of  
Montana such grants-in-aid and payments in addition to  
grants made by this chapter. The total payments to any  
individual under this chapter ~~shall~~ may not exceed ~~\$200~~ \$225  
per month, exclusive of any grants made by congress."

**Section 2.** Section 39-73-104, MCA, is amended to read:

"39-73-104. Eligibility requirements for benefits.

Payment shall be made under this chapter to any person who:

(1) has silicosis, as defined in 39-73-101, which  
results in his total disability so as to render it

impossible for him to follow continuously any substantially  
gainful occupation;

(2) has resided in and been an inhabitant of the state  
of Montana for 10 years or more immediately preceding the  
date of the application; and

(3) is not receiving, with respect to any month for  
which he would receive a payment under this chapter,  
compensation under The Occupational Disease Act of Montana,  
as provided by chapter 72 of this title, which will equal  
the sum of ~~\$200~~ \$225."

**Section 3.** Section 39-73-107, MCA, is amended to read:

"39-73-107. Amount of payments. Subject to the

provisions of this chapter and the deductions herein  
provided, any person who has silicosis, as defined in this  
chapter, and who has, subject to the regulations and  
standards of the department of labor and industry, been  
determined by the department to be entitled payment under  
this chapter for silicosis shall be granted a payment by the  
department of ~~\$200~~ \$225 per month, subject to such  
appropriations as may from time to time be made. If he is  
receiving payments under The Occupational Disease Act of  
Montana, as provided by chapter 72 of this title, which are  
less in the aggregate than ~~\$200~~ \$225, then he is entitled to  
a payment under this chapter of the difference between the  
amount received under The Occupational Disease Act of

**SECOND READING**



1 Montana, as provided by chapter 72 of this title, and ~~\$200~~  
2 \$225 per month. The legislature shall authorize such  
3 additional appropriations as may be necessary to make the  
4 increased monthly payments provided herein."

5 SECTION 4. SECTION 39-73-109, MCA, IS AMENDED TO READ:

6 "39-73-109. Payment of benefits to surviving spouse.

7 (1) Upon the death of a person receiving payments for  
8 silicosis under 39-73-104 or 39-73-108, the surviving  
9 spouse, as long as such spouse remains unmarried, is  
10 entitled to receive the payments granted the deceased  
11 spouse.

12 (2) A person who otherwise is qualified to receive  
13 payments under subsection (1) ~~of--this--section--but--whose~~  
14 ~~spouse-died-prior-to-March-14-1974-is-hereby-made-eligible~~  
15 ~~to--begin-receiving-one-half-of~~ must receive those payments;  
16 ~~provided;~~ however, a person is not eligible for these  
17 payments if ~~such--spouse's~~ his taxable income is \$6,800 or  
18 more per year."

-End-