

1                    HOUSE    BILL NO. 11  
2    INTRODUCED BY J. D. LYNCH

3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
5    71-1003, 71-1004, AND 71-1008, R.C.M. 1947, TO INCREASE  
6    PAYMENTS FOR SILICOSIS FROM ONE HUNDRED SEVENTY-FIVE DOLLARS  
7    (\$175) PER MONTH TO TWO HUNDRED TWENTY-FIVE DOLLARS (\$225)  
8    PER MONTH."

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

11            Section 1. Section 71-1003, R.C.M. 1947, is amended to  
12    read as follows:

13            "71-1003. Eligibility requirements for aid to persons  
14    having silicosis, as herein defined. Payment shall be made  
15    under this act to any person who:

16            (a) Has silicosis, as defined in section 71-1001, which  
17    results in his total disability so as to render it  
18    impossible for him to follow continuously any substantially  
19    gainful occupation. The term "gainful occupation" as used  
20    herein shall not be construed to mean occasional or  
21    intermittent light employment where the ability to do manual  
22    labor is not essential, but shall mean any person having an  
23    income from any other source exceeding one hundred fifty  
24    dollars (\$150.00) per month.

25            (b) Has resided in and been an inhabitant of the state

1    of Montana for ten (10) years, or more, immediately  
2    preceding the date of the application.

3            (c) If any person who is entitled to benefits under  
4    this act shall be an inmate in any Montana state  
5    institution, benefits shall not be paid to him, but shall be  
6    paid his beneficiary, if any, as defined in section 92-413.

7            (d) Is not receiving, with respect to any month for  
8    which he would receive a payment under this act,  
9    compensation under the Workmen's Compensation Act of the  
10    state of Montana, as provided by chapter 155, Laws of 1959,  
11    which will equal the sum of ~~one hundred seventy-five dollars~~  
12    ~~(\$175)~~ two hundred twenty-five dollars (\$225) hereunder. If  
13    he is receiving payments under the Workmen's Compensation  
14    Act, as provided by chapter 155, Laws of 1959, which is less  
15    in the aggregate than ~~one hundred seventy-five dollars~~  
16    ~~(\$175)~~ two hundred twenty-five dollars (\$225), then he is  
17    entitled to a payment under this act of the difference  
18    between the amount received under the Workmen's Compensation  
19    Act, as provided by chapter 155, Laws of 1959, and ~~one~~  
20    ~~hundred seventy-five dollars (\$175)~~ two hundred twenty-five  
21    dollars (\$225) per month."

22            Section 2. Section 71-1004, R.C.M. 1947, is amended to  
23    read as follows:

24            "71-1004. Amounts of payments. Subject to the  
25    provisions of this act and the deductions herein provided,

*HB 11*

1 any person who has silicosis, as defined in this chapter,  
2 and who has, subject to the regulations and standards of the  
3 division of workmen's compensation; been determined by the  
4 division of workmen's compensation to be entitled payment  
5 under this chapter for silicosis, shall be granted a payment  
6 by the division of workmen's compensation of ~~one--hundred~~  
7 ~~seventy-five--dollars--(\$175)~~ two hundred twenty-five dollars  
8 (\$225) per month subject to such appropriations as may from  
9 time to time be made. The legislature shall authorize such  
10 additional appropriations as may be necessary to make the  
11 increased monthly payments provided herein."

12 Section 3. Section 71-1008, R.C.M. 1947, is amended to  
13 read as follows:

14 "71-1008. Conformity with acts of federal government.  
15 If and when the government of the United States makes grants  
16 to states in aid of and allowing payments to persons having  
17 silicosis, as herein defined, the division of workmen's  
18 compensation of the state of Montana is hereby authorized to  
19 administer in the state of Montana such grants-in-aid and  
20 payments in addition to grants made by this act. The total  
21 payments to any individual under this act shall not exceed  
22 ~~one--hundred--seventy-five--dollars--(\$175)~~ two hundred  
23 twenty-five dollars (\$225) per month exclusive of any grants  
24 made by Congress."

-End-

STATE OF MONTANA

REQUEST NO. 241-75

FISCAL NOTE

Form BD-15

In compliance with a written request received February 21, 19 75, there is hereby submitted a Fiscal Note for House Bill 11 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 11 increases payments for silicosis from \$175 per month to \$225 per month.

ASSUMPTIONS:

1. Assume 281 claimants for FY 76 and 285 for FY 77.
2. Additional physical examinations will be required, increasing operating expenses.

FISCAL IMPACT:	FY 76	FY 77
Increase in operating expenses	\$ 3,000	\$ 1,000
Increase in benefits paid	<u>168,600</u>	<u>171,000</u>
Total increase in expenditures from the general fund	<u>\$171,600</u>	<u>\$172,000</u>

CONCLUSION:

Enactment of House Bill 11 will increase general fund expenditures by \$343,600 during the 1975-77 biennium.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: February 22, 1975

Approved by Committee  
on Appropriations

HOUSE BILL NO. 11

INTRODUCED BY LYNCH, QUILICI, HELMBRECHT, KIMBLE,  
MURPHY, GILLIGAN, MULAR, KELLY, MENAHAN, LIEN, O'CONNELL,  
HARPER, LUEBECK, KANDUCH, LUND, C.R. ANDERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
71-1003, 71-1004, AND 71-1008, R.C.M. 1947, TO INCREASE  
PAYMENTS FOR SILICOSIS FROM ONE HUNDRED SEVENTY-FIVE DOLLARS  
(\$175) PER MONTH TO TWO HUNDRED ~~TWENTY-FIVE--DOLLARS--(\$225)~~  
DOLLARS PER MONTH."

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

Section 1. Section 71-1003, R.C.M. 1947, is amended to  
read as follows:

"71-1003. Eligibility requirements for aid to persons  
having silicosis, as herein defined. Payment shall be made  
under this act to any person who:

(a) Has silicosis, as defined in section 71-1001, which  
results in his total disability so as to render it  
impossible for him to follow continuously any substantially  
gainful occupation. The term "gainful occupation" as used  
herein shall not be construed to mean occasional or  
intermittent light employment where the ability to do manual  
labor is not essential, but shall mean any person having an  
income from any other source exceeding one hundred fifty

dollars (\$150.00) per month.

(b) Has resided in and been an inhabitant of the state  
of Montana for ten (10) years, or more, immediately  
preceding the date of the application.

(c) If any person who is entitled to benefits under  
this act shall be an inmate in any Montana state  
institution, benefits shall not be paid to him, but shall be  
paid his beneficiary, if any, as defined in section 92-413.

(d) Is not receiving, with respect to any month for  
which he would receive a payment under this act,  
compensation under the Workmen's Compensation Act of the  
state of Montana, as provided by chapter 155, Laws of 1959,  
which will equal the sum of ~~one-hundred-seventy-five-dollars~~  
~~(\$175)~~ two hundred twenty-five-dollars-(\$225) DOLLARS (\$200)  
hereunder. If he is receiving payments under the Workmen's  
Compensation Act, as provided by chapter 155, Laws of 1959,  
which is less in the aggregate than ~~one-hundred-seventy-five~~  
~~dollars--(\$175)~~ two hundred twenty-five--dollars---(\$225)  
DOLLARS (\$200), then he is entitled to a payment under this  
act of the difference between the amount received under the  
Workmen's Compensation Act, as provided by chapter 155, Laws  
of 1959, and ~~one--hundred-seventy-five-dollars-(\$175)~~ two  
hundred twenty-five--dollars--(\$225) DOLLARS (\$200) per  
month."

Section 2. Section 71-1004, R.C.M. 1947, is amended to

SECOND READING  
SECOND PRINTING 9/22/75

1 read as follows:

2 "71-1004. Amounts of payments. Subject to the  
3 provisions of this act and the deductions herein provided,  
4 any person who has silicosis, as defined in this chapter,  
5 and who has, subject to the regulations and standards of the  
6 division of workmen's compensation; been determined by the  
7 division of workmen's compensation to be entitled payment  
8 under this chapter for silicosis, shall be granted a payment  
9 by the division of workmen's compensation of ~~one--hundred~~  
10 ~~seventy-five--dollars--(\$175)~~ two hundred twenty-five-dollars  
11 (\$225) DOLLARS (\$200) per month subject to such  
12 appropriations as may from time to time be made. The  
13 legislature shall authorize such additional appropriations  
14 as may be necessary to make the increased monthly payments  
15 provided herein."

16 Section 3. Section 71-1008, R.C.M. 1947, is amended to  
17 read as follows:

18 "71-1008. Conformity with acts of federal government.  
19 If and when the government of the United States makes grants  
20 to states in aid of and allowing payments to persons having  
21 silicosis, as herein defined, the division of workmen's  
22 compensation of the state of Montana is hereby authorized to  
23 administer in the state of Montana such grants-in-aid and  
24 payments in addition to grants made by this act. The total  
25 payments to any individual under this act shall not exceed

1 ~~one--hundred--seventy-five--dollars--(\$175)~~ two hundred  
2 ~~twenty-five--dollars--(\$225)~~ DOLLARS (\$200) per month  
3 exclusive of any grants made by Congress."

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dollars (\$150.00) per month.

(b) Has resided in and been an inhabitant of the state of Montana for ten (10) years, or more, immediately preceding the date of the application.

(c) If any person who is entitled to benefits under this act shall be an inmate in any Montana state institution, benefits shall not be paid to him, but shall be paid his beneficiary, if any, as defined in section 92-413.

(d) Is not receiving, with respect to any month for which he would receive a payment under this act, compensation under the Workmen's Compensation Act of the state of Montana, as provided by chapter 155, Laws of 1959, which will equal the sum of ~~one-hundred-seventy-five-dollars~~ ~~(\$175)~~ two hundred twenty-five-dollars ~~(\$225)~~ DOLLARS (\$200) hereunder. If he is receiving payments under the Workmen's Compensation Act, as provided by chapter 155, Laws of 1959, which is less in the aggregate than ~~one-hundred-seventy-five~~ ~~dollars--(\$175)~~ two hundred twenty-five--dollars--- ~~(\$225)~~ DOLLARS (\$200), then he is entitled to a payment under this act of the difference between the amount received under the Workmen's Compensation Act, as provided by chapter 155, Laws of 1959, and ~~one--hundred-seventy-five-dollars--(\$175)~~ two hundred twenty-five--dollars-- ~~(\$225)~~ DOLLARS (\$200) per month."

Section 2. Section 71-1004, R.C.M. 1947, is amended to

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 3 provisions of this act and the deductions herein provided,  
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 5 and who has, subject to the regulations and standards of the  
 6 division of workmen's compensation; been determined by the  
 7 division of workmen's compensation to be entitled payment  
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