

1 HOUSE BILL NO. 140

2 INTRODUCED BY LYNCH,

3 QUILICI, MULAR, MELOY, HARRINGTON

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING AND CLARIFYING
6 SECTIONS 71-1003, 71-1004, AND 71-1008 AND 71-1010.1, R.C.M.
7 1947, AND RAISING THE AMOUNT OF SILICOSIS BENEFITS FROM \$175
8 TO ~~\$250~~ \$200 A MONTH AND RAISING SURVIVING SPOUSES SILICOSIS
9 BENEFITS FROM ~~\$87.50~~ TO \$200 A MONTH."

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

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

14 "71-1003. Eligibility requirements for aid to persons
15 having silicosis, as herein defined. (1) Payment shall be
16 made under this act to any a person who:

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

1 (b) Has has resided in and been an inhabitant of the
2 state of ~~Montana~~ for at least ten (10) years, or more
3 immediately preceding the date of the application; and

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

8 ~~(d)(c) is~~ is not receiving, with respect to any month
9 for which he would receive a payment under this act,
10 compensation under the Workmen's Workers' Compensation Act
11 of the state of Montana, as provided by chapter 155, laws of
12 1959, which ~~will equal~~ equals the sum of one hundred
13 ~~seventy-five dollars (\$175) hereunder~~ ~~\$250~~ \$200. If he a
14 person is receiving payments under the Workmen's Workers'
15 Compensation Act, as provided by chapter 155, laws of 1959,
16 which ~~is are~~ are less in the aggregate than one hundred
17 ~~seventy-five dollars (\$175)~~ ~~\$250~~ \$200, then he is entitled
18 to a payment under this act of the difference between the
19 amount received under the Workmen's Workers' Compensation
20 Act, as provided by chapter 155, laws of 1959, and one
21 hundred seventy-five dollars ~~(\$175)~~ ~~per~~ ~~\$250~~ \$200 a month.

22 (D) HAS AN INCOME FROM ANY SOURCE OF \$300 A MONTH OR
23 LESS, A PERSON, INCLUDING THE SURVIVING SPOUSE OF A PERSON
24 RECEIVING SILICOSIS PAYMENTS, WITH INCOME FROM ANY SOURCE,
25 INCLUDING BUT NOT LIMITED TO WAGES, FEES, INTEREST,

REFERENCE BILL

1 DIVIDENDS, SOCIAL SECURITY, PENSION OR RETIREMENT PROGRAMS,
 2 IN EXCESS OF \$300 A MONTH SHALL NOT BE ELIGIBLE FOR THE
 3 SILICOSIS PAYMENTS PROVIDED IN THIS CHAPTER.

4 (E) MAKES APPLICATION FOR SILICOSIS PAYMENTS BY JULY
 5 1, 1977. NO APPLICATIONS FOR THE SILICOSIS PAYMENTS PROVIDED
 6 IN THIS CHAPTER SHALL BE ACCEPTED AFTER JULY 1, 1977;
 7 HOWEVER, PERSONS MAKING APPLICATION FOR OR RECEIVING
 8 SILICOSIS PAYMENTS BY JULY 1, 1977, SHALL BE ELIGIBLE TO
 9 RECEIVE PAYMENTS AFTER JULY 1, 1977, PROVIDING THEY MEET THE
 10 OTHER REQUIREMENTS IN THIS CHAPTER.

11 (2) If a person who is entitled to benefits under this
 12 act is an inmate or resident of a state institution,
 13 benefits may not be paid to him but shall be paid to his
 14 beneficiary, as defined in 92-413."

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

17 "71-1004. Amounts of payments. Subject to the
 18 provisions of this act, and the deductions herein provided,
 19 and the rules and standards of the division of workers'
 20 compensation, any a person who has silicosis, as defined in
 21 this chapter, and who hasy-subject to--the--regulations--and
 22 standards--of--the--division-of-workmen's-compensation, been
 23 determined by the division of workmen's workers'
 24 compensation to be entitled payment under this chapter for
 25 silicosis, shall be granted a payment by the division of

1 workmen's workers' compensation of one-hundred-seventy-five
 2 dollars--(\$175)--per \$250 \$200 a month subject to such
 3 appropriations as may from time to time be made. The
 4 legislature shall authorize such additional appropriations
 5 as may be necessary to make the increased monthly payments
 6 provided herein."

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

9 "71-1008. Conformity with acts of federal government.
 10 If and when the government of the United States makes grants
 11 to states in aid of and allowing payments to persons having
 12 silicosis, as herein defined, the division of workmen's
 13 workers' compensation of--the--state--of--Montana is hereby
 14 authorized to administer in the state of Montana such
 15 grants-in-aid and payments in addition to grants made by
 16 this act. The total payments to any an individual under this
 17 act shall not exceed one-hundred-seventy-five-dollars--(\$175)
 18 per \$250 \$200 a month exclusive of any grants made by
 19 Congress."

20 SECTION 4. SECTION 71-1010.1, R.C.M. 1947, IS AMENDED
 21 TO READ AS FOLLOWS:

22 "71-1010.1. Prior surviving spouses eligible for
 23 silicosis payments. A person who otherwise is qualified to
 24 receive payments under section 71-1010, but whose spouse
 25 died prior to March 14, 1974, is hereby made eligible to

1 ~~begin receiving one-half (1/2) of~~ receive those payments†
2 ~~provided however, a person is not eligible for these~~
3 ~~payments if her taxable income is sixty eight hundred~~
4 ~~dollars (\$6,800) or more per year; however, the surviving~~
5 ~~spouse is not eligible for these payments if their marriage~~
6 ~~took place after the date the deceased spouse was determined~~
7 ~~eligible to receive silicosis payments."~~

-End-

STATE OF MONTANA

REQUEST NO. 162-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 77, there is hereby submitted a Fiscal Note for House Bill 140 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:

An act to raise the amount of silicosis benefits from \$175 to \$250 a month.

ASSUMPTIONS:

1. The Legislature will approve the level of funding requested by the Executive Budget for the current level benefits.
2. The number of participants will not exceed 285 in FY 78 and 292 in FY 79.
3. Administrative costs for physical examinations will increase slightly because of the attractiveness of the higher benefit level.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Operating expenses	\$ 2,500	\$ 3,125	\$ 5,625
Benefits and claims	<u>256,500</u>	<u>262,800</u>	<u>519,300</u>
Total:	<u>\$259,000</u>	<u>\$265,925</u>	<u>\$524,925</u>

Richard L. Drury
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-28-77

APPROVED BY COMM. ON APPROPRIATIONS

HOUSE BILL NO. 140
INTRODUCED BY LYNCH,
QUILICI, MULAR, MELUY, HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING AND CLARIFYING SECTIONS 71-1003, 71-1004, AND 71-1008, R.C.M. 1947, AND RAISING THE AMOUNT OF SILICOSIS BENEFITS FROM \$175 TO \$250 A 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. (1) Payment shall be made under this act to any a person who:

(a) Has 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 does not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential but shall-mean-any means a person having an income from any other source exceeding one-hundred fifty-dollars-(\$150.00)-per a month.

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

state of Montana for at least ten--(10) years--or--morev immediately preceding the date of the application; and (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)(c) Is is not receiving, with respect to any month for which he would receive a payment under this act, compensation under the Workmen's Workers' Compensation Act of the state of Montana, as provided by chapter 155, laws of 1959, which with--equal equals the sum of one-hundred seventy-five-dollars-(\$175)-hereunder \$250 \$200. If he a person is receiving payments under the Workmen's Workers' Compensation Act, as provided by chapter 155, laws of 1959, which is are less in the aggregate than one--hundred seventy-five-dollars-(\$175) \$250 \$200, then he is entitled to a payment under this act of the difference between the amount received under the Workmen's Workers' Compensation Act, as provided by chapter 155, laws of 1959, and one hundred-seventy-five-dollars-(\$175)-per \$250 \$200 a month.

(2) If a person who is entitled to benefits under this act is an inmate or resident of a state institution, benefits may not be paid to him but shall be paid to his beneficiary, as defined in 92-413."

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

1 read as follows:

2 "71-1004. Amounts of payments. Subject to the
 3 provisions of this act, and the deductions herein provided,
 4 ~~and the rules and standards of the division of workers'~~
 5 ~~compensation,~~ any a person who has silicosis, as defined in
 6 this chapter, and who has ~~subject to the regulations and~~
 7 ~~standards of the division of workmen's compensation,~~ been
 8 determined by the division of workmen's ~~workers'~~
 9 compensation to be entitled payment under this chapter for
 10 silicosis, shall be granted a payment by the division of
 11 ~~workmen's workers'~~ compensation of one-hundred--seventy-five
 12 ~~dollars--(\$175)--per \$250 \$200~~ a month subject to such
 13 appropriations as may from time to time be made. The
 14 legislature shall authorize such additional appropriations
 15 as may be necessary to make the increased monthly payments
 16 provided herein."

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

19 "71-1008. Conformity with acts of federal government.
 20 If and when the government of the United States makes grants
 21 to states in aid of and allowing payments to persons having
 22 silicosis, as herein defined, the division of ~~workmen's~~
 23 ~~workers'~~ compensation ~~of the--state--of--Montana~~ is hereby
 24 authorized to administer in the state ~~of--Montana~~ such
 25 grants-in-aid and payments in addition to grants made by

1 this act. The total payments to any an individual under this
 2 act shall not exceed ~~one-hundred-seventy-five-dollars--(\$175)~~
 3 ~~per \$250 \$200~~ a month exclusive of any grants made by
 4 Congress."

-End-

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(a) ~~Has~~ 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 does~~ not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential, but ~~shall mean any~~ means a person having an income from any other source exceeding ~~one-hundred fifty-dollars-(\$150.00)~~ per a month.

(b) ~~Has~~ has resided in and been an inhabitant of the

state of ~~Montana~~ for at least ten (10) years or more immediately preceding the date of the application; and

~~(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.~~

~~(c)~~ (c) ~~is~~ is not receiving, with respect to any month for which he would receive a payment under this act, compensation under the Workmen's Workers' Compensation Act of the state of Montana, as provided by chapter 155, Laws of 1959, which will ~~equal~~ equals the sum of ~~one-hundred seventy-five dollars-(\$175)~~ hereunder \$250 \$200. If he a person is receiving payments under the Workmen's Workers' Compensation Act, as provided by chapter 155, Laws of 1959, which ~~is~~ are less in the aggregate than ~~one-hundred seventy-five dollars-(\$175)~~ \$250 \$200, then he is entitled to a payment under this act of the difference between the amount received under the Workmen's Workers' Compensation Act, as provided by chapter 155, Laws of 1959, and ~~one hundred-seventy-five dollars-(\$175)~~ per \$250 \$200 a month.

(2) If a person who is entitled to benefits under this act is an inmate or resident of a state institution, benefits may not be paid to him but shall be paid to his beneficiary, as defined in 92-413."

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

1 read as follows:

2 "71-1004. Amounts of payments. Subject to the
 3 provisions of this act, and the deductions herein provided,
 4 ~~and the rules and standards of the division of workers'~~
 5 ~~compensation;~~ any a person who has silicosis, as defined in
 6 this chapter, and who has ~~subject to the regulations and~~
 7 ~~standards of the division of workmen's compensation~~ been
 8 determined by the division of ~~workmen's~~ ~~workers'~~
 9 compensation to be entitled payment under this chapter for
 10 silicosis, shall be granted a payment by the division of
 11 ~~workmen's~~ ~~workers'~~ compensation of ~~one hundred seventy five~~
 12 ~~dollars (\$175)~~ ~~per~~ ~~\$250~~ ~~\$200~~ a month subject to such
 13 appropriations as may from time to time be made. The
 14 legislature shall authorize such additional appropriations
 15 as may be necessary to make the increased monthly payments
 16 provided herein."

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

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 21 to states in aid of and allowing payments to persons having
 22 silicosis, as herein defined, the division of ~~workmen's~~
 23 ~~workers'~~ compensation ~~of the state of Montana~~ is hereby
 24 authorized to administer in the state of ~~Montana~~ such
 25 grants-in-aid and payments in addition to grants made by

1 this act. The total payments to any an individual under this
 2 act shall not exceed ~~one hundred seventy five dollars (\$175)~~
 3 ~~per \$250 \$200~~ a month exclusive of any grants made by
 4 Congress."

-End-

April 16, 1977

STANDING COMMITTEE REPORT
Senate Committee on Finance and Claims

That House Bill No. 140 be amended as follows:

1. Amend title, line 6.

Following: "71-1004,"

Strike: "AND"

Following: "71-1008"

Insert: "AND 71-1010.1"

2. Amend title, line 8.

Following: "MONTH"

Insert: "AND RAISING SURVIVING SPOUSES SILICOSIS BENEFITS FROM \$87.50
TO \$200 A MONTH"

3. Amend page 1, section 1, line 22.

Following: "essential"

Strike: "but means a person having an income from any other source
exceeding \$150 a month"

4. Amend page 2, section 1, line 20.

Following: line 20

Insert: "(d) has an income from any source of \$300 a month or less.

A person, including the surviving spouse of a person receiving silicosis payments, with income from any source, including but not limited to wages, fees, interest, dividends, social security, pension or retirement programs, in excess of \$300 a month shall not be eligible for the silicosis payments provided in this chapter.

(e) makes application for silicosis payments by July 1, 1977.

No applications for the silicosis payments provided in this chapter shall be accepted after July 1, 1977; however, persons making application for or receiving silicosis payments by July 1, 1977, shall be eligible to receive payments after July 1, 1977, providing they meet the other requirements in this chapter.

5. Amend page 4, section 3, line 4.

Following: line 4

Insert: "Section 4. Section 71-1010.1, R.C.M. 1947, is amended to read as follows:

"71-1010.1. Prior surviving spouses eligible for silicosis payments. A person who otherwise is qualified to receive payments under section 71-1010, but whose spouse died prior to March 14, 1974, is hereby made eligible to ~~begin-receiving-one-half-(1/2)~~ of receive those payments; ~~provided-however,-a-person-is-not eligible-for-these-payments-if-her-taxable-income-is-sixty-eight hundred-dollars-(\$6,800)-or-more-per-year; however, the surviving spouse is not eligible for these payments if their marriage took place after the date the deceased spouse was determined eligible to receive silicosis payments.~~"

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19 impossible for him to follow continuously any substantially
20 gainful occupation. The term "gainful occupation" as used
21 herein ~~shall does~~ not be construed to mean occasional or
22 intermittent light employment where the ability to do manual
23 labor is not essential, ~~but shall mean any means a person~~
24 ~~having an income from any other source exceeding one hundred~~
25 ~~fifty dollars (\$150.00) per a month.~~

1 (b) ~~He~~ has resided in and been an inhabitant of the
2 state of ~~Montana~~ for at least ten (10) years, or more
3 immediately preceding the date of the application; and

4 ~~(c) If any person who is entitled to benefits under~~
5 ~~this act shall be an inmate in any Montana state~~
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7 ~~paid his beneficiary, if any, as defined in section 92-413.~~

8 ~~(d) (C) If~~ is not receiving, with respect to any month
9 for which he would receive a payment under this act,
10 compensation under the Workmen's Workers' Compensation Act
11 of the state of Montana, ~~as provided by chapter 155, Laws of~~
12 ~~1959, which will equal equals~~ the sum of one hundred
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14 person is receiving payments under the Workmen's Workers'
15 Compensation Act, ~~as provided by chapter 155, Laws of 1959,~~
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17 ~~seventy-five dollars (\$175)~~ \$250 \$200, then he is entitled
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19 amount received under the Workmen's Workers' Compensation
20 Act, ~~as provided by chapter 155, Laws of 1959,~~ and one
21 hundred ~~seventy-five dollars (\$175) per~~ \$250 \$200 a month.

22 (D) HAS AN INCOME FROM ANY SOURCE OF \$300 A MONTH OR
23 LESS, A PERSON, INCLUDING THE SURVIVING SPOUSE OF A PERSON
24 RECEIVING SILICOSIS PAYMENTS, WITH INCOME FROM ANY SOURCE,
25 INCLUDING BUT NOT LIMITED TO WAGES, FEES, INTEREST,

1 DIVIDENDS, SOCIAL SECURITY, PENSION OR RETIREMENT PROGRAMS,
 2 IN EXCESS OF \$300 A MONTH SHALL NOT BE ELIGIBLE FOR THE
 3 SILICOSIS PAYMENTS PROVIDED IN THIS CHAPTER.

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 5 1, 1977. NO APPLICATIONS FOR THE SILICOSIS PAYMENTS PROVIDED
 6 IN THIS CHAPTER SHALL BE ACCEPTED AFTER JULY 1, 1977;
 7 HOWEVER, PERSONS MAKING APPLICATION FOR OR RECEIVING
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 16 read as follows:

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 21 this chapter, and who hasy subject to the regulations and
 22 standards of the division of workmen's compensation, been
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 24 compensation to be entitled payment under this chapter for
 25 silicosis, shall be granted a payment by the division of

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-End-