

HOUSE BILL NO. 290

INTRODUCED BY KEEDY, DONALDSON

IN THE HOUSE

January 16, 1981	Introduced and referred to Committee on State Administration.
January 17, 1981	Fiscal note requested.
January 22, 1981	Fiscal note returned.
January 26, 1981	Committee recommend bill do pass as amended. Report adopted.
January 27, 1981	Bill printed and placed on members' desks.
January 28, 1981	Rereferred to Committee on State Administration.
February 14, 1981	Committee recommend bill do pass as amended. Report adopted.
February 16, 1981	Bill printed and placed on members' desks. Motion pass consideration. Rereferred to Committee on Appropriations.
March 30, 1981	Rules suspended and bill allowed to be transmitted on 75th legislative day.
March 31, 1981	Committee recommend bill do pass as amended. Report adopted.
April 2, 1981	Bill printed and placed on members' desks. Second reading, do pass.

April 3, 1981

Correctly engrossed.

April 4, 1981

Third reading, passed.
Ayes, 86; Noes, 8.
Transmitted to Senate.

IN THE SENATE

April 6, 1981

By motion and consent bill allowed to be received and considered this session.

Introduced and referred to Committee on Finance and Claims.

April 13, 1981

Committee recommend bill be concurred in as amended.
Report adopted.

April 14, 1981

Second reading, concurred in.

April 15, 1981

Third reading, concurred in as amended. Ayes, 46; Noes, 0.

IN THE HOUSE

April 16, 1981

Returned from Senate with amendments.

April 20, 1981

Second reading, amendments concurred in.

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

Third reading, amendments concurred in. Ayes, 93; Noes, 1. Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 290
2 INTRODUCED BY Keedy Donalson
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MONTHLY
5 PAYMENTS TO VICTIMS OF SILICOSIS FROM \$175 TO \$400 AND TO
6 MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES; AMENDING
7 SECTIONS 39-73-103, 39-73-104, 39-73-107, AND 39-73-109,
8 MCA."

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

11 Section 1. Section 39-73-103, MCA, is amended to read:
12 "39-73-103. Conformity with acts of federal
13 government. If and when the government of the United States
14 makes grants to states in aid of and allowing payments to
15 persons having silicosis, as herein defined, the division of
16 workers' compensation is hereby authorized to administer in
17 the state of Montana such grants-in-aid and payments in
18 addition to grants made by this chapter. The total payments
19 to any individual under this chapter shall not exceed ~~\$175~~
20 ~~\$400~~ per month, exclusive of any grants made by congress."

21 Section 2. Section 39-73-104, MCA, is amended to read:
22 "39-73-104. Eligibility requirements for benefits.
23 Payment shall be made under this chapter to any person who:

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

1 impossible for him to follow continuously any substantially
2 gainful occupation;

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

6 (3) is not receiving, with respect to any month for
7 which he would receive a payment under this chapter,
8 compensation under The Occupational Disease Act of Montana,
9 as provided by chapter 72 of this title, which will equal
10 the sum of ~~\$175~~ ~~\$400~~ hereunder."

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

12 "39-73-107. Amount of payments. Subject to the
13 provisions of this chapter and the deductions herein
14 provided, any person who has silicosis, as defined in this
15 chapter, and who has, subject to the regulations and
16 standards of the division of workers' compensation, been
17 determined by the division to be entitled payment under this
18 chapter for silicosis shall be granted a payment by the
19 division of ~~\$175~~ ~~\$400~~ per month, subject to such
20 appropriations as may from time to time be made. If he is
21 receiving payments under The Occupational Disease Act of
22 Montana, as provided by chapter 72 of this title, which are
23 less in the aggregate than ~~\$175~~ ~~\$400~~, then he is entitled to
24 a payment under this chapter of the difference between the
25 amount received under The Occupational Disease Act of

INTRODUCED BILL
HB 290

1 Montana, as provided by chapter 72 of this title, and ~~\$175~~
2 ~~\$400~~ 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 same payments granted ~~the decedent~~
11 spouse an eligible person under 39-73-107.

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 those payments provided~~
16 ~~however a person is not eligible for these payments if such~~
17 ~~spouse's taxable income is \$6,000 or more per year."~~

18 Section 5. Retroactive payments denied. A person who
19 is eligible for full payments under 39-73-109(2), as amended
20 by section 4, may not collect these payments retroactively.

-End-

STATE OF MONTANA

REQUEST NO. 149-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 19, 19 81, there is hereby submitted a Fiscal Note for House Bill 290 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). 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

A proposal to increase the silicosis benefit payments from \$175 per month to \$400 on persons and surviving spouses of persons having contracted silicosis, also increasing the benefit payments of surviving spouses whose spouse died prior to March 14, 1974.

Assumptions

1. The number of persons participating in the program will continue to decline as currently estimated.
2. The elimination of the \$6,800 taxable income provision in Section 4 will not appreciably effect the number of persons qualifying for the program.
3. Administrative costs will not increase.

Fiscal Impact

	<u>FY 1982</u>	<u>FY 1983</u>
Estimated Number of:		
Silicotics and Spouses	232	222
Spouses Prior to March 14, 1974	201	176
Current Law:		
Silicotics and Spouses at \$175 per month	\$ 487,200	\$ 466,200
Spouses Prior to 3-14-74 at \$87.50 per month	<u>211,050</u>	<u>184,800</u>
Benefits	698,250	651,000
Administrative Costs	<u>11,661</u>	<u>11,661</u>
	\$ 709,911	\$ 662,661
Proposed Law:		
Silicotics and Spouses at \$400 per month	\$1,113,600	\$1,065,600
Spouses Prior to 3-14-74 at \$400 per month	<u>964,800</u>	<u>844,800</u>
Benefits	\$2,078,400	\$1,910,400
Administrative Costs	<u>11,661</u>	<u>11,661</u>
	\$2,090,061	\$1,922,061
Increase cost to General Fund	<u>\$1,380,150</u>	<u>\$1,259,400</u>

Daniel M Lewis

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: 1-21-81

Approved by Committee
on State Administration

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 13 government. If and when the government of the United States
 14 makes grants to states in aid of and allowing payments to
 15 persons having silicosis, as herein defined, the division of
 16 workers' compensation is hereby authorized to administer in
 17 the state of Montana such grants-in-aid and payments in
 18 addition to grants made by this chapter. The total payments
 19 to any individual under this chapter shall not exceed \$175
 20 \$400 per month, exclusive of any grants made by congress."

21 Section 2. Section 39-73-104, MCA, is amended to read:
 22 "39-73-104. Eligibility requirements for benefits.
 23 Payment shall be made under this chapter to any person who:
 24 (1) has silicosis, as defined in 39-73-101, which
 25 results in his total disability so as to render it

1 impossible for him to follow continuously any substantially
 2 gainful occupation;
 3 (2) has resided in and been an inhabitant of the state
 4 of Montana for 10 years or more immediately preceding the
 5 date of the application;
 6 (3) is not receiving, with respect to any month for
 7 which he would receive a payment under this chapter,
 8 compensation under The Occupational Disease Act of Montana,
 9 as provided by chapter 72 of this title, which will equal
 10 the sum of \$175 \$400 hereunder."

11 Section 3. Section 39-73-107, MCA, is amended to read:
 12 "39-73-107. Amount of payments. Subject to the
 13 provisions of this chapter and the deductions herein
 14 provided, any person who has silicosis, as defined in this
 15 chapter, and who has, subject to the regulations and
 16 standards of the division of workers' compensation, been
 17 determined by the division to be entitled payment under this
 18 chapter for silicosis shall be granted a payment by the
 19 division of \$175 \$400 per month, subject to such
 20 appropriations as may from time to time be made. If he is
 21 receiving payments under The Occupational Disease Act of
 22 Montana, as provided by chapter 72 of this title, which are
 23 less in the aggregate than \$175 \$400, then he is entitled to
 24 a payment under this chapter of the difference between the
 25 amount received under The Occupational Disease Act of

1 Montana, as provided by chapter 72 of this title, and \$175
2 \$400 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,~~ AS LONG
10 AS SUCH SPOUSE REMAINS UNMARRIED, is entitled to receive the
11 same payments granted the deceased spouse an eligible person
12 under 39-73-107.

13 (2) A person who otherwise is qualified to receive
14 payments under subsection (1) of this section but whose
15 spouse died prior to March 14, 1974, is hereby made eligible
16 to begin receiving ~~one-half of~~ ONE-HALE OF those payments
17 ~~provided, however, a person is not eligible for these~~
18 ~~payments if such spouse's taxable income is \$6,800 or more~~
19 per year, PROVIDED, HOWEVER, A PERSON IS NOT ELIGIBLE FOR
20 THESE PAYMENTS IF SUCH SPOUSE'S TAXABLE INCOME IS \$6,800 OR
21 MORE PER YEAR."

22 Section 5. Retroactive payments denied. A person who
23 is eligible for full payments under 39-73-109(2), as amended
24 by section 4, may not collect these payments retroactively.

-End-

Approved by Committee
on State Administration

HOUSE BILL NO. 290

INTRODUCED BY KEEDY, DONALDSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MONTHLY PAYMENTS TO VICTIMS OF SILICOSIS FROM \$175 TO ~~\$400~~ \$300 AND ~~TO MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES AND TO MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES~~; AMENDING SECTIONS 39-73-103, 39-73-104, 39-73-107, AND 39-73-109, MCA."

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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 division of workers' compensation 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 not exceed ~~\$175~~ \$300 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;

(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 ~~\$175~~ \$400 \$300 hereunder."

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 division of workers' compensation, been determined by the division to be entitled payment under this chapter for silicosis shall be granted a payment by the division of ~~\$175~~ \$400 \$300 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 ~~\$175~~ \$400 \$300, then he is

1 entitled to a payment under this chapter of the difference
 2 between the amount received under The Occupational Disease
 3 Act of Montana, as provided by chapter 72 of this title, and
 4 ~~475~~ ~~\$400~~ \$300 per month. The legislature shall authorize
 5 such additional appropriations as may be necessary to make
 6 the increased monthly payments provided herein."

7 Section 4. Section 39-73-109, MCA, is amended to read:

8 "39-73-109. Payment of benefits to surviving spouse.
 9 ~~{1}--Upon--the--death~~ THE SURVIVING SPOUSE of a person
 10 receiving payments for silicosis under 39-73-104 or
 11 39-73-108, ~~the surviving spouse, as long as such spouse~~
 12 ~~remains--unmarried,~~ AS LONG AS SUCH SPOUSE REMAINS
 13 UNMARRIED, is entitled to receive the same payments granted
 14 ~~the deceased spouse~~ an eligible person under 39-73-107 IF
 15 THE SURVIVING SPOUSE'S TAXABLE INCOME IS NOT MORE THAN
 16 \$6,800 A YEAR.

17 ~~{2}--A--person--who--otherwise--is--qualified--to--receive~~
 18 ~~payments--under--subsection--{1}--of--this--section--but--whose~~
 19 ~~spouse--died--prior--to--March--14--1974--is--hereby--made--eligible~~
 20 ~~to--begin--receiving--one--half--of--ONE--HALF--OF~~ those payments
 21 ~~provided,--however,--a--person--is--not--eligible--for--these~~
 22 ~~payments--if--such--spouse's--taxable--income--is--\$6,800--or--more~~
 23 ~~per--year,--PROVIDED,--HOWEVER,--A--PERSON--IS--NOT--ELIGIBLE--FOR~~
 24 ~~THESE--PAYMENTS--IF--SUCH--SPOUSE'S--TAXABLE--INCOME--IS--\$6,800--OR~~
 25 ~~MORE--PER--YEAR."~~

1 Section 5. Retroactive payments denied. A person who
 2 is eligible for full payments under 39-73-109(2), as amended
 3 by section 4, may not collect these payments retroactively.

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Approved by Comm.
on Appropriations

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 6 ~~AND TO MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES AND TO~~
 7 ~~MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES;~~ AMENDING
 8 SECTIONS 39-73-103, 39-73-104, AND 39-73-107, ~~AND 39-73-109,~~
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 18 the state of Montana such grants-in-aid and payments in
 19 addition to grants made by this chapter. The total payments
 20 to any individual under this chapter shall not exceed ~~\$175~~
 21 ~~\$400~~ ~~\$300~~ \$200 per month, exclusive of any grants made by
 22 congress."

23 Section 2. Section 39-73-104, MCA, is amended to read:
 24 "39-73-104. Eligibility requirements for benefits.
 25 Payment shall be made under this chapter to any person who:

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

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

8 (3) is not receiving, with respect to any month for
 9 which he would receive a payment under this chapter,
 10 compensation under The Occupational Disease Act of Montana,
 11 as provided by chapter 72 of this title, which will equal
 12 the sum of ~~\$175~~ ~~\$400~~ ~~\$300~~ \$200 hereunder."

13 Section 3. Section 39-73-107, MCA, is amended to read:
 14 "39-73-107. Amount of payments. Subject to the
 15 provisions of this chapter and the deductions herein
 16 provided, any person who has silicosis, as defined in this
 17 chapter, and who has, subject to the regulations and
 18 standards of the division of workers' compensation, been
 19 determined by the division to be entitled payment under this
 20 chapter for silicosis shall be granted a payment by the
 21 division of ~~\$175~~ ~~\$400~~ ~~\$300~~ \$200 per month, subject to such
 22 appropriations as may from time to time be made. If he is
 23 receiving payments under The Occupational Disease Act of
 24 Montana, as provided by chapter 72 of this title, which are
 25 less in the aggregate than ~~\$175~~ ~~\$400~~ ~~\$300~~ \$200, then he is

1 entitled to a payment under this chapter of the difference
 2 between the amount received under The Occupational Disease
 3 Act of Montana, as provided by chapter 72 of this title, and
 4 \$175 ~~\$400~~ ~~\$300~~ ~~\$200~~ per month. The legislature shall
 5 authorize such additional appropriations as may be necessary
 6 to make the increased monthly payments provided herein."

7 ~~Section 4. Section 39-73-109, MCA, is amended to read:~~

8 ~~"39-73-109. Payment of benefits to surviving spouse.~~

9 ~~(1) Upon the death THE SURVIVING SPOUSE of a person~~
 10 ~~receiving payments for silicosis under 39-73-104 or~~
 11 ~~39-73-108, the surviving spouse, as long as such spouse~~
 12 ~~remains unmarried, AS LONG AS SUCH SPOUSE REMAINS~~
 13 ~~UNMARRIED is entitled to receive the same payments granted~~
 14 ~~the deceased spouse an eligible person under 39-73-107 if~~
 15 ~~THE SURVIVING SPOUSE'S TAXABLE INCOME IS NOT MORE THAN~~
 16 ~~\$6,800 A YEAR.~~

17 ~~(2) A person who otherwise is qualified to receive~~
 18 ~~payments under subsection (1) of this section but whose~~
 19 ~~spouse died prior to March 14, 1974, is hereby made eligible~~
 20 ~~to begin receiving one-half of ONE HALF OF those payments~~
 21 ~~provided, however, a person is not eligible for these~~
 22 ~~payments if such spouse's taxable income is \$6,800 or more~~
 23 ~~per year, PROVIDED, HOWEVER, A PERSON IS NOT ELIGIBLE FOR~~
 24 ~~THESE PAYMENTS IF SUCH SPOUSE'S TAXABLE INCOME IS \$6,800 OR~~
 25 ~~MORE PER YEAR.~~

1 Section 4. Retroactive payments denied. A person who
 2 is eligible for full payments under 39-73-109(2), as amended
 3 by section 4, may not collect these payments retroactively.

-End-

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(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 ~~\$175~~ ~~\$400~~ ~~\$300~~ \$200 hereunder."

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 3 Act of Montana, as provided by chapter 72 of this title, and
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Section 2. Section 39-73-104, MCA, is amended to read:

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(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;

(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 ~~\$175~~ ~~\$400~~ ~~\$300~~ \$200 hereunder."

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9 ~~(1) Upon the death THE SURVIVING SPOUSE of a person~~
 10 ~~receiving payments for silicosis under 39-73-104 or~~
 11 ~~39-73-106, the surviving spouse, as long as such spouse~~
 12 ~~remains unmarried, AS LONG AS SUCH SPOUSE REMAINS~~
 13 ~~UNMARRIED is entitled to receive the same payments granted~~
 14 ~~the deceased spouse an eligible person under 39-73-107 if~~
 15 ~~THE SURVIVING SPOUSE'S TAXABLE INCOME IS NOT MORE THAN~~
 16 ~~\$6,800 A YEAR.~~

17 ~~(2) A person who otherwise is qualified to receive~~
 18 ~~payments under subsection (1) of this section but whose~~
 19 ~~spouse died prior to March 14, 1974, is hereby made eligible~~
 20 ~~to begin receiving one-half of ONE-HALF OF those payments,~~
 21 ~~provided, however, a person is not eligible for these~~
 22 ~~payments if such spouse's taxable income is \$6,800 or more~~
 23 ~~per year, PROVIDED, HOWEVER, A PERSON IS NOT ELIGIBLE FOR~~
 24 ~~THESE PAYMENTS IF SUCH SPOUSE'S TAXABLE INCOME IS \$6,800 OR~~
 25 ~~MORE PER YEAR.~~

1 ~~Section 4. Retroactive payments denied. A person who~~
 2 ~~is eligible for full payments under 39-73-109(2) as amended~~
 3 ~~by section 4 may not collect these payments retroactively.~~

-End-

April 13, 1981

SENATE STANDING COMMITTEE REPORT
(Finance and Claims)

That House Bill No. 290 be amended as follows:

1. Page 4, lines 1 through 3.
Strike: Section 4 in its entirety