

HOUSE BILL NO. 156

Introduced: 01/11/83

Referred to Committee on Human Services: 01/11/83

Hearing: 1/21/83

Report: 01/21/83, Do Pass

Rereferred to Committee on Appropriations 01/24/83

2nd Reading: 02/21/83, Do Pass, As Amended

3rd Reading: 02/22/83, Do Pass

Transmitted to Senate: 2/22/83

Referred to Committee on Finance & Claims: 3/1/83

Hearing: 3/11/83

Minority Report: 04/14/83, Be Concurred In
Failed.

Majority Report: 04/14/83, Be Not Concurred In
Report Adopted

Bill Killed

1 *House* BILL NO. *156* *McBride*
 2 INTRODUCED BY *Asst. Dir. Dan Brown*
 3 *Keenan Haunfler Mendham Aubrey Strutz*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MONTHLY
 5 PAYMENTS TO VICTIMS OF SILICOSIS FROM \$200 TO \$400 AND TO
 6 MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES OF SILICOSIS
 7 VICTIMS; AMENDING SECTIONS 39-73-103, 39-73-104, 39-73-107,
 8 AND 39-73-109, 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 \$200
 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; and

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 \$200 \$400."

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 \$200 \$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 \$200 \$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 \$200
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~~ The surviving spouse of a person
8 ~~receiving who had received~~ payments for silicosis under
9 39-73-104 or 39-73-105, ~~the surviving spouse, as long as~~
10 ~~such spouse remains unmarried,~~ is entitled to receive the
11 payments granted the deceased 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 these 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."~~

-End-

STATE OF MONTANA

REQUEST NO. 099-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 13, 19 83, there is hereby submitted a Fiscal Note for House Bill 156 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:

House Bill 156 is a proposal to increase the monthly payments to victims of silicosis from \$200 to \$400 and to eliminate the \$6,800 income limitation.

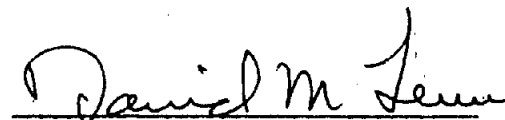
ASSUMPTIONS:

- 1) The benefit payments for silicotics and surviving spouses will be at the rate of \$400 per month.
- 2) The number of spouses now receiving reduced and limited benefits will remain the same or decrease.
- 3) The increased level of funding will not generate additional claimants.
- 4) The number of claimants estimated to be receiving benefits in FY 84 and FY 85 will not change.
- 5) Approximately 20 more spouses will apply and receive benefits. They are now ineligible because of the \$6,800 income limitation under current law.
- 6) The administrative expense involved in making this change will be negligible.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Under Current Law	\$ 693,600	\$ 612,000
Under Proposed Law	<u>1,915,200</u>	<u>1,704,000</u>
Increased Costs To General Fund	\$ <u>1,221,600</u>	\$ <u>1,092,000</u>

FISCAL NOTE 4:S/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-18-83

STATE OF MONTANA

REQUEST NO. 508-83

FISCAL NOTE

Form BD-15

In compliance with a written request received March 25, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 156, Amended, 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 156, amended, is a proposal to increase the monthly payments to victims of silicosis from \$200 to \$225 and eliminates the \$6,800 income limitation.

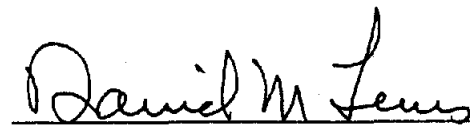
ASSUMPTIONS:

- 1) The benefit payments for silicotics and surviving spouses will be at the rate of \$225 per month.
- 2) The number of spouses now receiving reduced and limited benefits will remain the same or decrease.
- 3) The increased level of funding will not generate additional claimants.
- 4) The number of claimants estimated to be receiving benefits in FY 84 and FY 85 will not change.
- 5) Approximately 20 more spouses will apply and receive benefits. They are now ineligible because of the \$6,800 income limitation under current law.
- 6) The administrative expense involved in making this change will be negligible.

FISCAL IMPACT:

	<u>FY 84</u>	<u>FY 85</u>
Under Current Law	\$ 693,600	\$ 612,000
Under Proposed Law	<u>1,077,300</u>	<u>958,500</u>
Increased Costs To General Fund	\$ 383,700	\$ 346,500

FISCAL NOTE 4:S/2



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-26-83

Approved by Comm. On Human Services

1 *House* BILL NO. *156* *McBride*
 2 INTRODUCED BY *Admiral Dan Brumley*
 3 *Keenan Houghlin Mendham Turbin Stangor*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MONTHLY
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 6 MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES OF SILICOSIS
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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 ~~\$200~~
 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; and

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 ~~\$200~~ \$400."

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 ~~\$200~~ \$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 ~~\$200~~ \$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

-2- SECOND READING
 H10156

1 Montana, as provided by chapter 72 of this title, and \$200
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~~ The surviving spouse of a person
8 ~~receiving who had received~~ payments for silicosis under
9 39-73-104 or 39-73-108, ~~the surviving spouse as long as~~
10 ~~such spouse remains unmarried,~~ is entitled to receive the
11 payments granted the deceased 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 these 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."~~

-End-

1 HOUSE BILL NO. 156

2 INTRODUCED BY PAVLOVICH, D. BROWN, DAILY,

3 KEENAN, HARRINGTON, MENAHAN,

4 MCBRIDE, QUILICI, STIMATZ

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE MONTHLY
7 PAYMENTS TO VICTIMS OF SILICOSIS FROM \$200 TO ~~\$400~~ \$225 AND
8 TO MAKE UNIFORM THE PAYMENTS TO SURVIVING SPOUSES OF
9 SILICOSIS VICTIMS; AMENDING SECTIONS 39-73-103, 39-73-104,
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4 impossible for him to follow continuously any substantially
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7 of Montana for 10 years or more immediately preceding the
8 date of the application; and

9 (3) is not receiving, with respect to any month for
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20 determined by the division to be entitled payment under this
21 chapter for silicosis shall be granted a payment by the
22 division of ~~\$200~~ ~~\$400~~ \$225 per month, subject to such
23 appropriations as may from time to time be made. If he is
24 receiving payments under The Occupational Disease Act of
25 Montana, as provided by chapter 72 of this title, which are

1 less in the aggregate than \$200 ~~\$400~~ \$225, then he is
 2 entitled to a payment under this chapter of the difference
 3 between the amount received under The Occupational Disease
 4 Act of Montana, as provided by chapter 72 of this title, and
 5 \$200 ~~\$400~~ \$225 per month. The legislature shall authorize
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-End-