

Amendments to House Bill No. 327
1st Reading Copy

Requested by Representative George Groesbeck

For the House Human Services Committee

Prepared by Susan Byorth Fox
January 28, 2005 (9:38am)

1. Title, line 4.

Following: "ACT"

Insert: "REVISING SILICOSIS BENEFITS;"

2. Title, line 6.

Following: "BENEFITS;"

Insert: "AMENDING SECTIONS 39-73-101, 39-73-103, 39-73-104, 39-73-107, AND 39-73-109, MCA;"

3. Page 1, line 9.

Following: the enacting clause

Insert: "Section 1. Section 39-73-101, MCA, is amended to read:

"39-73-101. **Definitions.** (1) "Examining board" ~~shall mean~~ means a well-qualified physician or physicians, as designated by the department of labor and industry.

(2) The term "gainful occupation", ~~as used herein, shall~~ may not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential but ~~shall mean~~ means any person having an income from any other source exceeding ~~\$150~~ \$300 per month.

(3) "Payments" means money payments to persons having silicosis ~~as herein defined.~~

(4) "Silicosis" means a fibrotic condition of the lungs due to the inhalation of silica dust."

{Internal References to 39-73-101:

39-73-104x}"

Insert: "Section 2. Section 39-73-103, MCA, is amended to read:

"39-73-103. **Conformity with acts of federal government.** If the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, the department of labor and industry is authorized to administer the grants-in-aid and payments in addition to grants made by this chapter. The total payments to any individual under this chapter may not exceed ~~\$250~~ \$300 a month, exclusive of any grants made by congress."

{Internal References to 39-73-103: None.x}"

Insert: "Section 3. Section 39-73-104, MCA, is amended to read:

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

~~shall~~ must be made under this chapter to any person who:

(1) has silicosis, as defined in 39-73-101, ~~which that~~ results in ~~his~~ the person's total disability so as to render it impossible for ~~him~~ the person 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~~ the person would receive a payment under this chapter, compensation under ~~The~~ the Occupational Disease Act of Montana, as provided by chapter 72 of this title, ~~which will~~ equal to the sum of ~~\$200~~ \$300."

{Internal References to 39-73-104:
39-73-109x}"

Insert: "Section 4. 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 provided in this chapter, any person who has silicosis 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 must be granted a payment by the department of ~~\$250~~ \$300 a month, subject to any additional appropriations. If the person is receiving payments under the Occupational Disease Act of Montana, as provided by chapter 72 of this title, that are less in the aggregate than ~~\$200~~ \$300, then the person 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 ~~\$250~~ \$300 a month. The legislature shall authorize additional appropriations that may be necessary to make the increased monthly payments provided in this section."

{Internal References to 39-73-107: None.x}"

Insert: "Section 5. Section 39-73-109, MCA, is amended to read:

"39-73-109. Payment of benefits to surviving spouse. (1) Upon the death of a person receiving payments for silicosis under 39-73-104 or 39-73-108, the surviving spouse, as long as the spouse remains unmarried, is entitled to receive the payments granted the deceased spouse.

(2) A person who otherwise is qualified to receive payments under subsection (1) but whose spouse died prior to March 14, 1974, is eligible to begin receiving ~~\$150~~ \$300 a month. ~~However, a person is not eligible for these payments if the spouse's taxable income is \$6,800 or more a year.~~"

{Internal References to 39-73-109: None.x}"

Renumber: subsequent sections

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