

HOUSE BILL NO. 540

INTRODUCED BY GROESBECK, BERGREN, BIXBY, BRANAE, CORDIER, DICKENSON, HAMILTON, HEINERT, HENRY, HINER, JACOBSON, L. JONES, JOPEK, KEANE, LAMBERT, MACLAREN, MCCHESENEY, MCNUTT, NOONAN, PARKER, SESSO, SMALL-EASTMAN, STAHL, VILLA, VINCENT, WARD, WINDY BOY, W. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SILICOSIS BENEFITS; APPROPRIATING FUNDS TO THE DEPARTMENT OF LABOR AND INDUSTRY TO INCREASE SILICOSIS BENEFITS BY \$50 A MONTH FOR EACH INDIVIDUAL RECEIVING BENEFITS; AMENDING SECTIONS 39-73-101, 39-73-103, 39-73-104, 39-73-107, AND 39-73-109, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

(2) The term "gainful occupation" may not be construed to mean occasional or intermittent light employment where the ability to do manual labor is not essential but means any person having an income from any other source exceeding ~~\$300~~ \$350 a month.

(3) "Payments" means money payments to persons having silicosis.

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

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 ~~\$300~~ \$350 a month, exclusive of any grants made by congress."

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



1           **"39-73-104. Eligibility requirements for benefits.** Payment must be made under this chapter to any  
2 person who:

3           (1) has silicosis, as defined in 39-73-101, that results in the person's total disability so as to render it  
4 impossible for the person to follow continuously any substantially gainful occupation;

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

7           (3) is not receiving, with respect to any month for which the person would receive a payment under this  
8 chapter, compensation under 39-71-115 equal to the sum of ~~\$300~~ \$350."

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10           **Section 4.** Section 39-73-107, MCA, is amended to read:

11           **"39-73-107. Amount of payments.** Subject to the provisions of this chapter and the deductions provided  
12 in this chapter, any person who has silicosis and who has, subject to the regulations and standards of the  
13 department of labor and industry, been determined by the department to be entitled to payment under this chapter  
14 for silicosis must be granted a payment by the department of ~~\$300~~ \$350 a month, subject to any additional  
15 appropriations. If the person is receiving payments under 39-71-715 that are less in the aggregate than ~~\$300~~  
16 \$350, then the person is entitled to a payment under this chapter of the difference between the amount received  
17 under 39-71-715 and ~~\$300~~ \$350 a month. The legislature shall authorize additional appropriations that may be  
18 necessary to make the increased monthly payments provided in this section."

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20           **Section 5.** Section 39-73-109, MCA, is amended to read:

21           **"39-73-109. Payment of benefits to surviving spouse.** (1) Upon the death of a person receiving  
22 payments for silicosis under 39-73-104 or 39-73-108, the surviving spouse, as long as the spouse remains  
23 unmarried, is entitled to receive the payments granted to the deceased spouse.

24           (2) A person who otherwise is qualified to receive payments under subsection (1) but whose spouse died  
25 prior to March 14, 1974, is eligible to begin receiving ~~\$300~~ \$350 a month."

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27           NEW SECTION. **Section 6. Appropriation.** The following money is appropriated from the general fund  
28 to the department of labor and industry to fund an increase of \$50 a month for each individual who receives  
29 silicosis benefits:

30 Fiscal year 2008           \$21,000



