

HOUSE BILL NO. 397
INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CATASTROPHICALLY INJURED PUBLIC SAFETY OFFICER'S ACT; ESTABLISHING A GRANT PROGRAM TO MATCH FUNDS RAISED BY NONPROFIT ORGANIZATIONS TO ASSIST CATASTROPHICALLY INJURED PUBLIC SAFETY OFFICERS; PROVIDING THAT THE DEPARTMENT OF LABOR AND INDUSTRY SHALL ADMINISTER THE PROGRAM; PROVIDING RULEMAKING AUTHORITY; TEMPORARILY INCREASING THE AMOUNT OF THE STATE'S ADMINISTRATIVE ASSESSMENT ON CERTAIN TAXABLE WAGES PAID BY ELIGIBLE AND DEFICIT EMPLOYERS; REDUCING CERTAIN UNEMPLOYMENT INSURANCE TAX RATES ON ELIGIBLE AND DEFICIT EMPLOYERS TO COMPENSATE FOR THE INCREASED ADMINISTRATIVE ASSESSMENT; REQUIRING THAT AN AMOUNT EQUAL TO THE ASSESSMENT INCREASE BE TRANSFERRED FROM THE EMPLOYMENT SECURITY ACCOUNT TO A SPECIAL REVENUE ACCOUNT TO FUND THE GRANT PROGRAM; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 39-51-404, 39-51-409, AND 39-51-1218, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Catastrophically Injured Public Safety Officer's Assistance Act".

NEW SECTION. **Section 2. Purpose and intent.** The purpose of [sections 1 through 5] is to assist catastrophically injured public safety officers and their families by providing grants to match funds raised by community service organizations that help the officers and their families defray the costs of special equipment and home modifications that would improve quality of life for the officers and for travel expenses incurred by family members when traveling to be with the officers. The assistance is intended to supplement basic disability benefits, if any, available to the catastrophically injured public safety officer.

NEW SECTION. **Section 3. Definitions.** As used in [sections 1 through 5], the following definitions apply:

(1) "Catastrophically injured" means a physical injury incurred by a public safety officer in the line of duty

to the extent that treatment for the injury:

(a) requires inpatient care for at least 6 days in a hospital or rehabilitation center that is in Montana but more than 100 miles from the injured person's place of residence; or

(b) requires inpatient care for at least 3 days in a hospital or rehabilitation center that is located outside Montana.

(2) "Community service organization" means a community-based, nonprofit, tax-exempt organization under section 501(c)(3) of the Internal Revenue Code that raises money to assist catastrophically injured public safety workers.

(3) "Public safety officer" means:

(a) an active member of the highway patrol officers', sheriffs', game wardens' and peace officers', municipal police officers', or firefighters' unified retirement system provided for in Title 19, chapters 6, 7, 8, 9, and 13;

(b) an active member under the Volunteer Firefighters' Compensation Act provided for in Title 19, chapter 17;

(c) an employee of a fire or police department with a locally administered disability and pension fund provided for in Title 19, chapter 18 or 19; or

(d) a firefighter or police officer employed in a fire or police department participating in the public employees' retirement system provided for in Title 19, chapter 3.

NEW SECTION. Section 4. Grant program established -- rulemaking authority. (1) The department of labor and industry shall establish and administer a program to provide grants to community service organizations based on the amount of money that the organizations raise in the fiscal year covered by the grants. A grant pursuant to this section may be made only for the purposes described in [section 2].

(2) Subject to subsection (3), a community service organization that applies to the department may receive grants to match funds raised by the organization according to the following schedule:

(a) for an organization in a county with a population under 4,000, a 5-to-1 match;

(b) for an organization in a county with a population of 4,000 to 10,000, a 4-to-1 match; and

(c) for an organization in a county with a population of more than 10,000, a 3-to-1 match.

(3) (a) A grant pursuant to this section may not be used by a community service organization to provide more than \$30,000 to a catastrophically injured public safety officer during the officer's lifetime.

(b) A community service organization may not receive more than one grant in a fiscal year.

- (c) The department may not provide more than \$120,000 in grants in a fiscal year.
- (4) The department shall adopt rules to administer this section.

NEW SECTION. **Section 5. Grant account established.** There is an account in the state special revenue fund to the credit of the department of labor and industry. Money in the account may be used only to fund grants to community service organizations to assist catastrophically injured public safety officers as provided in [sections 1 through 5]. Money in the account must be invested by the board of investments, and earnings on the account must be deposited in the account.

Section 6. Section 39-51-404, MCA, is amended to read:

"39-51-404. Administrative expenses. (1) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States pursuant to sections 903 and 904 of the Social Security Act (42 U.S.C. 1103 and 1104), as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the legislature if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law that:

- (a) specifies the purposes for which the money is appropriated and the amounts appropriated;
- (b) limits the period within which the money may be expended to a period ending not more than 2 years after the date of the enactment of the appropriation law; and
- (c) limits the amount that may be used during any 12-month period beginning on July 1 and ending on the next June 30 to an amount not exceeding the amount by which the aggregate of the amounts credited to the account of this state pursuant to sections 903 and 904 of the Social Security Act (42 U.S.C. 1103 and 1104), as amended, during the same 12-month period and the 34 preceding 12-month periods exceeds the aggregate of the amounts used pursuant to this section and charged against the amounts credited to the account of this state during any of the 35 12-month periods.

(2) For the purposes of this section, amounts used during any 12-month period must be charged against equivalent amounts that were first credited and that are not already charged, except that an amount used for administration during any 12-month period may not be charged against any amount credited during a 12-month period earlier than the 34th preceding period. Money requisitioned for the payment of expenses of administration pursuant to this section must be deposited in the unemployment insurance administration account but, until expended, must remain a part of the unemployment insurance fund.

(3) The department shall maintain a separate record of the deposit, obligation, expenditure, and return of funds deposited. If any money deposited is for any reason not to be expended for the purpose for which it was appropriated or if it remains unexpended at the end of the period specified by the law appropriating the money, it must be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

(4) An assessment equal to ~~0.13%~~ 0.1365% of all taxable wages provided for in 39-51-1108 and 0.05% of total wages paid by employers not covered by an experience rating must be levied against and paid by all employers. All assessments and investment income must be deposited in the employment security account provided for in 39-51-409."

Section 7. Section 39-51-409, MCA, is amended to read:

"39-51-409. Employment security account -- transfers. (1) There is an account created in the state special revenue fund called the employment security account.

(2) The department may transfer funds from the account to the unemployment insurance fund account provided for in 39-51-402 upon receiving approval from the budget director that the transfer will not decrease the money in the account below the level appropriated by the legislature to provide employment services programs.

(3) The department may transfer appropriation authority in employment services programs between the federal special revenue and the state special revenue fund types.

(4) The department shall transfer to the account established in [section 5] an amount equal to 0.0065% of the assessment provided in 39-51-404(4)."

Section 8. Section 39-51-1218, MCA, is amended to read:

"39-51-1218. Rate schedules.

SCHEDULES OF CONTRIBUTION RATES - Part I

	Sched. I	Sched. II	Sched. III	Sched. IV
Minimum Ratio of Fund to Total Wages	(.0260)	(.0245)	(.0225)	(.0200)
Average Tax Rate	1.37 <u>1.369</u>	1.57	1.77	1.97
Rate Class	Contribution Rates for Eligible Employers			
1	0.00%	0.07%	0.27%	0.47%
2	0.07 <u>0.06935</u>	0.27	0.47	0.67

3	0.27 <u>0.26935</u>	0.47	0.67	0.87
4	0.47 <u>0.46935</u>	0.67	0.87	1.07
5	0.67 <u>0.66935</u>	0.87	1.07	1.27
6	0.87 <u>0.86935</u>	1.07	1.27	1.47
7	1.07 <u>1.06935</u>	1.27	1.47	1.67
8	1.27 <u>1.26935</u>	1.47	1.67	1.87
9	1.47 <u>1.46935</u>	1.67	1.87	2.07
10	1.67 <u>1.66935</u>	1.87	2.07	2.27

Rate Class

Contribution Rates for Deficit Employers

1	3.17% <u>3.16935%</u>	3.37%	3.57%	3.77%
2	3.37 <u>3.36935</u>	3.57	3.77	3.97
3	3.57 <u>3.56935</u>	3.77	3.97	4.17
4	3.77 <u>3.76935</u>	3.97	4.17	4.37
5	3.97 <u>3.96935</u>	4.17	4.37	4.57
6	4.17 <u>4.16935</u>	4.37	4.57	4.77
7	4.37 <u>4.36935</u>	4.57	4.77	4.97
8	4.57 <u>4.56935</u>	4.77	4.97	5.17
9	4.77 <u>4.76935</u>	4.97	5.17	5.37
10	6.37 <u>6.36935</u>	6.37	6.37	6.37

SCHEDULES OF CONTRIBUTION RATES - Part II

Sched.	Sched.	Sched.	Sched.	Sched.	Sched.
V	VI	VII	VIII	IX	X
(.0170)	(.0135)	(.0095)	(.0075)	(.0050)	(...)
2.17	2.37	2.57	2.77	2.97	3.17

Contribution Rates for Eligible Employers

0.67%	0.87%	1.07%	1.27%	1.47%	1.67%
0.87	1.07	1.27	1.47	1.67	1.87
1.07	1.27	1.47	1.67	1.87	2.07
1.27	1.47	1.67	1.87	2.07	2.27
1.47	1.67	1.87	2.07	2.27	2.47
1.67	1.87	2.07	2.27	2.47	2.67

1.87	2.07	2.27	2.47	2.67	2.87
2.07	2.27	2.47	2.67	2.87	3.07
2.27	2.47	2.67	2.87	3.07	3.27
2.47	2.67	2.87	3.07	3.27	3.47

Contribution Rates for Deficit Employers

3.97%	4.17%	4.37%	4.57%	4.77%	4.97%
4.17	4.37	4.57	4.77	4.97	5.17
4.37	4.57	4.77	4.97	5.17	5.37
4.57	4.77	4.97	5.17	5.37	5.57
4.77	4.97	5.17	5.37	5.57	5.77
4.97	5.17	5.37	5.57	5.77	5.97
5.17	5.37	5.57	5.77	5.97	6.17
5.37	5.57	5.77	5.97	6.17	6.37
5.57	5.77	5.97	6.17	6.37	6.37
6.37	6.37	6.37	6.37	6.37	6.37"

NEW SECTION. **Section 9. Appropriation.** There is appropriated from the account established in [section 5] to the department of labor and industry for fiscal year 2005, \$120,000 for the purposes of providing grants under the provisions of [sections 1 through 5].

NEW SECTION. **Section 10. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 39, and the provisions of Title 39 apply to [sections 1 through 5].

NEW SECTION. **Section 11. Effective date.** [This act] is effective January 1, 2004.

NEW SECTION. **Section 12. Termination.** [Sections 6 through 8] terminate January 1, 2005.

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