

Enrolled

Senate Bill 366

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CHAPTER

AN ACT

Relating to Public Safety Memorial Fund; amending ORS 243.954, 243.956, 243.958, 243.966 and 243.974.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 243.956 is amended to read:

243.956. (1)(a) A person is eligible for an award of benefits from the Public Safety Memorial Fund if the person:

(A)(i) Is a family member of a public safety officer who[:]

[(i)] was killed in the line of duty or, if off duty, while interceding in a crime[:]; or

[(ii)] **who** has a job-related permanent total disability[, as defined in ORS 656.206]; **or**

(ii) Is a public safety officer who has a job-related permanent total disability; and

(B) Has submitted an application for an award of benefits under ORS 243.958 within six months of the date of the public safety officer's death or disability.

(b) Notwithstanding paragraph (a) of this subsection, a person is not eligible for an award of benefits if:

(A) The person's actions were a substantial contributing factor to the death or disability of the public safety officer;

(B) The public safety officer's intentional misconduct caused the death or disability;

(C) The public safety officer intended to bring about the officer's death or disability;

(D) The public safety officer was voluntarily intoxicated at the time of the injury that caused the death or disability; or

(E) The public safety officer was performing the officer's duties in a grossly negligent manner at the time of the injury that caused the death or disability.

[(c) As used in this subsection, "disability" means a disability resulting from a sudden, severe and unexpected injury.]

(2) [Notwithstanding subsection (1) of this section,] Within 14 days after notification from an employer that a public safety officer has been killed as described in subsection (1) of this section, the Public Safety Memorial Fund Board, or the chairperson of the board if the board is unable to meet in a timely manner, may pay \$25,000 to the [person] **family member** designated on the beneficiary form described in ORS 243.974.

(3) The board:

(a) **If alternative coverage is not provided**, shall award benefits to the spouse and each child of the public safety officer in an amount sufficient to allow the spouse and children to purchase health and dental insurance comparable to that provided by the public safety officer:

(A) For five years or until the spouse remarries, whichever occurs first; and

(B) Until the child attains 18 years of age or, if the child is attending school, 23 years of age.

(b) If alternative coverage is not provided, shall award benefits to a public safety officer who has a job-related permanent total disability in an amount sufficient to allow the public safety officer to purchase health and dental insurance comparable to the health and dental insurance coverage that the public safety officer had immediately prior to the disability. The board shall award benefits under this paragraph for five years.

[(b)] (c) May award benefits to an eligible applicant under ORS 243.958:

(A) Who is the spouse of the public safety officer **or is a public safety officer who has a job-related permanent total disability**, in an amount up to the equivalent of 12 monthly mortgage payments on the residence of the spouse **or the public safety officer** if there is no mortgage insurance to cover the cost.

(B) Who is a family member of the public safety officer **or is a public safety officer who has a job-related permanent total disability**, in the form of scholarships for the applicant's higher education. The board may award scholarships for an applicant's undergraduate degree only. In determining the amount of a scholarship, the board shall consider the applicant's financial need, the funds available in the Public Safety Memorial Fund and the anticipated demands on the fund. The board may not grant a scholarship in an amount exceeding the highest tuition charged by a state institution of higher education for an undergraduate program.

SECTION 2. ORS 243.958 is amended to read:

243.958. (1) An applicant for benefits under this section must file an application under oath on a form furnished by the Public Safety Memorial Fund Board. The application must include:

(a) The name and address of the applicant and the applicant's relationship to the public safety officer;

(b) The public safety officer's name and date of death or disability, and the agency that employed the public safety officer;

(c) The amount of benefits, payments or awards, if any, payable from any source, that the applicant has received or for which the applicant is eligible as a result of the death or disability of the public safety officer;

(d) Releases authorizing the surrender to the board of reports, documents and other information relating to matters specified in this subsection; and

(e) Any other information that the board determines is necessary.

(2) The board may require that an applicant submit with the application any materials that substantiate the facts stated in the application.

(3) If the board finds that an application does not contain the required information or materials or finds that the facts stated therein have not been substantiated, it shall notify the applicant in writing that specific additional items of information or materials are required and that the applicant has 180 days from the date of mailing of the notice in which to furnish the additional items to the board. Unless an applicant requests and is granted an extension of time by the board, the board shall reject with prejudice the claim of the applicant for failure to file the additional information or materials within the specified time.

(4) An applicant may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the board has completed its consideration of the original application.

(5)(a) An applicant who is otherwise eligible for an award of benefits under ORS 243.956 may, notwithstanding ORS 243.956 (1)(a)(B), file an application requesting an award for higher education expenses at any time up to:

(A) Five years after the date on which the applicant graduated from high school if:

(i) The applicant was a minor at the time the public safety officer died or became disabled; and

(ii) An application for an award of some type of benefits was filed by any eligible applicant within the six-month period required by ORS 243.956; [or]

(B) The date the applicant remarries, if the applicant is the surviving spouse of a public safety officer who was killed, or the date the applicant divorces the public safety officer, if the applicant is the spouse of a public safety officer who has a job-related permanent total disability; **or**

(C) Five years after the date of the injury that caused the disability, if the applicant is a public safety officer who has a job-related permanent total disability.

(b) An applicant under paragraph (a)(A) of this subsection need not be the same person who made the original application. An application filed under this subsection is a supplemental application.

(c) The board may extend the time period for applying under paragraph (a)(A) of this subsection.

(6) Additional information or materials, an amended application or a supplemental application pursuant to subsection (3), (4) or (5) of this section is considered to have been filed at the same time as the original application.

SECTION 3. ORS 243.954 is amended to read:

243.954. As used in this section and ORS 243.956 and 243.958:

(1) "Family member" means:

(a) The spouse of a public safety officer.

(b) A child of a public safety officer.

(c) A person who qualifies as a dependent of a public safety officer for state income tax purposes.

(2) "Disability" means a disability resulting from a sudden, severe and unexpected injury.

(3) "Permanent total disability" has the meaning given that term in ORS 656.206.

[(2)] **(4) "Public safety officer" means:**

(a) Corrections officers, as defined in ORS 181.610.

(b) Fire service professionals, as defined in ORS 181.610, and includes volunteer firefighters as defined in ORS 652.050.

(c) Parole and probation officers, as defined in ORS 181.610.

(d) Police officers, as defined in ORS 181.610, and includes reserve officers, as defined in ORS 181.610.

(e) Youth correction officers, as defined in ORS 181.610.

SECTION 4. ORS 243.974 is amended to read:

243.974. (1) As used in this section, "public safety officer" has the meaning given that term in ORS 243.954.

(2) At the time a public safety officer is hired or utilized as a volunteer, the agency employing or utilizing the public safety officer shall provide the public safety officer with a designation of beneficiary form on which the public safety officer may designate [a person] **one or more family members, as defined in ORS 243.954**, to receive a benefit under ORS 243.956 (2). [Upon completion of the beneficiary form, the agency shall send the beneficiary form to the Public Safety Memorial Fund Board] **The agency shall keep a current copy of the beneficiary form in the public safety officer's personnel file as long as the public safety officer is employed or utilized as a volunteer by the agency or until the beneficiary form is needed by the Public Safety Memorial Fund Board.**

(3) No later than three days after a public safety officer is killed as described in ORS 243.956 (1), the agency employing or utilizing the public safety officer shall notify the board of that fact.

SECTION 5. ORS 243.966 is amended to read:

243.966. If an applicant disagrees with the order entered under ORS 243.964, the applicant may request reconsideration by the Public Safety Memorial Fund Board **by filing the request with the board no later than 30 days after entry of the order.** The board shall reconsider any order for which a request for reconsideration is **timely** received. The board shall notify the applicant of its decision on reconsideration within 30 days of the board's receipt of the request for reconsideration. The board's decision is final and not subject to administrative or judicial review.

Passed by Senate March 5, 2001

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Secretary of Senate

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President of Senate

Passed by House June 5, 2001

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Speaker of House

Received by Governor:

.....M.,....., 2001

Approved:

.....M.,....., 2001

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2001

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Secretary of State