

House Bill 2833

Sponsored by Representatives BARKER, KOTEK; Representative BERGER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Broadens class of persons eligible to receive benefits from Public Safety Memorial Fund to include domestic partners.

A BILL FOR AN ACT

1
2 Relating to Public Safety Memorial Fund; amending ORS 243.954, 243.956 and 243.969.

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

4 **SECTION 1.** ORS 243.954 is amended to read:

5 243.954. As used in ORS 243.954 to 243.974:

6 (1) "Child" means a person who is a natural child, adopted child or stepchild of a public safety
7 officer and who is:

8 (a) 18 years of age or younger;

9 (b) 19 through 22 years of age and enrolled as a full-time undergraduate student; or

10 (c) 19 years of age or older and incapable of self-support due to a physical or mental disability.

11 (2) **"Domestic partner" means a person in a relationship with a public safety officer, if**
12 **each person in the relationship:**

13 (a) **Is under no legal disability to marry the other person, but for the fact that each is**
14 **of the same sex;**

15 (b) **Is committed to the care and support of the other person;**

16 (c) **Is responsible for financial obligations to the other person equivalent to such financial**
17 **obligations that arise within a marriage recognized under Oregon law; and**

18 (d) **Is not married and has no similar commitment and responsibility to any other indi-**
19 **vidual.**

20 [(2)] (3) "Family member" means:

21 (a) The spouse **or domestic partner** of a public safety officer.

22 (b) A child of a public safety officer.

23 (c) A person who qualifies as a dependent of a public safety officer for state income tax pur-
24 poses.

25 [(3)] (4) "Permanent total disability" has the meaning given that term in ORS 656.206.

26 [(4)] (5) "Public safety officer" means:

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 181.610.

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

3 [(5)] (6) "Qualifying death or disability" means death or permanent total disability suffered by
4 a public safety officer while on or off duty that is the direct or proximate result of:

5 (a) An enforcement action, an emergency response or public safety training for an enforcement
6 action or emergency response that the public safety officer is authorized or obligated to perform by
7 law, rule, regulation or condition of employment or service; or

8 (b) An act committed against the public safety officer because of the public safety officer's po-
9 sition as a public safety officer.

10 [(6)] (7) "Survivor" means:

11 (a) A family member; or

12 (b) A parent of a public safety officer.

13 **SECTION 2.** ORS 243.956 is amended to read:

14 243.956. (1) A person is eligible for an award of benefits from the Public Safety Memorial Fund
15 if the person:

16 (a)(A) Is a family member or a parent of a public safety officer who has suffered a qualifying
17 death or disability; or

18 (B) Is a public safety officer who has suffered a qualifying disability; and

19 (b) Has submitted an initial application for an award of benefits under ORS 243.958.

20 (2) Notwithstanding subsection (1) of this section, a person is not eligible for an award of ben-
21 efits if:

22 (a) The person's actions were a substantial contributing factor to the qualifying death or disa-
23 bility of the public safety officer;

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

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

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

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

30 (3) If a person who is eligible for an award of benefits under subsection (1) of this section is
31 younger than 18 years of age or is incompetent, another person may file the application for an
32 award of benefits on behalf of the eligible person.

33 (4) Within 14 days after receipt of a notice under ORS 243.974 or entry of an order under ORS
34 243.964 awarding benefits based on an initial application, whichever occurs later, the Public Safety
35 Memorial Fund Board shall pay a lump sum amount of \$25,000:

36 (a) In the manner described under ORS 243.969, to a survivor of a public safety officer who
37 suffered a qualifying death; or

38 (b) To the public safety officer who suffered a qualifying disability.

39 (5) If alternative coverage is not provided, the board may award benefits to the family members
40 of a public safety officer who has suffered a qualifying death or disability in an amount sufficient
41 to allow the family members to purchase health and dental insurance comparable to that provided
42 by the public safety officer:

43 (a)(A) For five years or until the spouse remarries **or enters into a domestic partnership,**
44 whichever occurs first; [and] **or**

45 **(B) For five years or until the domestic partner marries or enters into another domestic**

1 **partnership, whichever occurs first; and**

2 (b) Until a child or a dependent attains 18 years of age or, if the child or the dependent is at-
 3 tending school, 23 years of age.

4 (6) If alternative coverage is not provided, the board may award benefits for five years to a
 5 public safety officer who has suffered a qualifying disability in an amount sufficient to allow the
 6 public safety officer to purchase health and dental insurance comparable to the health and dental
 7 insurance coverage that the public safety officer had immediately prior to the qualifying disability.

8 (7) The board may award benefits to an eligible spouse **or domestic partner** of a public safety
 9 officer who has suffered a qualifying death or to a public safety officer who has suffered a qualifying
 10 disability in an amount up to the equivalent of 12 monthly mortgage payments on the residence of
 11 *[the spouse or]* the public safety officer **or the spouse or domestic partner of the public safety**
 12 **officer** if there is no mortgage insurance to cover the cost.

13 (8) The board may award scholarships for a graduate program of higher education to a family
 14 member of a public safety officer who has suffered a qualifying death or disability or to a public
 15 safety officer who has suffered a qualifying disability. In determining the amount of a scholarship,
 16 the board shall consider the person's financial need, the funds available in the Public Safety Me-
 17 morial Fund and the anticipated demands on the fund. The board may not grant a scholarship in an
 18 amount exceeding the highest tuition charged by a state institution of higher education for a grad-
 19 uate program.

20 (9) A family member or a public safety officer is eligible to apply for a scholarship under sub-
 21 section (8) of this section only if the family member or public safety officer:

22 (a) Has exhausted the education benefits available under 28 C.F.R., Part 32, subpart B;

23 (b) Applies for the scholarship within one year from the date of exhaustion of the education
 24 benefits under paragraph (a) of this subsection; and

25 (c) Has applied for other available public education benefits.

26 (10) If a person described in subsection (8) of this section is ineligible to receive education
 27 benefits under 28 C.F.R., Part 32, subpart B, if funds for education benefits are unavailable under
 28 those provisions or if the education benefit program under those provisions no longer exists, the
 29 person may apply to the board for a scholarship for an undergraduate program. Scholarships for only
 30 undergraduate degrees may be awarded to a person under this subsection. The board may not grant
 31 a scholarship under this subsection in an amount exceeding the highest tuition charged by a state
 32 institution of higher education for an undergraduate program.

33 (11)(a) A person may apply for a scholarship under subsection (10) of this section at any time
 34 up to:

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

36 (i) The applicant was a minor at the time the public safety officer suffered a qualifying death
 37 or disability; and

38 (ii) An application for an award of some type of benefits was filed by a person described in
 39 subsection (8) of this section;

40 (B) The date the applicant *[remarries]* **marries another person or enters into a domestic**
 41 **partnership**, if the applicant is the surviving spouse **or domestic partner** of a public safety officer
 42 who suffered a qualifying death, or the date the applicant divorces **or terminates the domestic**
 43 **partnership with** the public safety officer, if the applicant is the spouse **or domestic partner** of
 44 a public safety officer who suffered a qualifying disability; or

45 (C) Five years after the date of the injury that caused the disability, if the applicant is a public

1 safety officer who suffered a qualifying disability.

2 (b) The board may extend the time period for applying for a scholarship under subsection (10)
3 of this section.

4 (12) If the family member or public safety officer who is awarded a scholarship under this sec-
5 tion is receiving other public education benefits, the amount of the scholarship awarded to the
6 family member or the public safety officer shall be reduced by the amount of the other public edu-
7 cation benefits.

8 **SECTION 3.** ORS 243.969 is amended to read:

9 243.969. (1) If the Public Safety Memorial Fund Board awards lump sum benefits under ORS
10 243.956, the board shall pay the benefits to the survivor of a public safety officer who suffered a
11 qualifying death as follows:

12 (a) 100 percent to the surviving spouse **or domestic partner**.

13 (b) If there is no surviving spouse **or domestic partner**, 100 percent to the surviving child.

14 (c) If there is no surviving spouse, **domestic partner** or child, 100 percent to a person who
15 qualifies as a dependent of the public safety officer for state income tax purposes.

16 (d) If there is no surviving spouse, **domestic partner**, [or] child or dependent, 100 percent to
17 the parent of the public safety officer.

18 (2) If more than one child, or both parents, or more than one dependent are survivors, the board
19 shall pay the percentage amount one child or one parent or one dependent would have received
20 under subsection (1) of this section in equal shares to the children or parents or dependents.

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