

Public Safety Memorial Fund Board

Minutes

October 27, 2011

The Public Safety Memorial Fund Board held a meeting on Thursday, October 27, 2011 at the Oregon Public Safety Academy in Salem, Oregon. Chair Anderson called the meeting to order at 10:08 a.m.

Attendees

Board Members:

Todd Anderson, Chair

Richard Brown

Lisa Settell

Jeff Jones

DPSST Staff:

Marilyn Lorance, Standards & Certification Manager

Linsay Hale, Compliance Coordinator



1. **Minutes from July 28, 2011 Meeting**

Approve meeting minutes from July 28, 2011.

Jeff Jones moved to approve the minutes from the July 28, 2011 Public Safety Memorial Fund Board meeting. Richard Brown seconded the motion. The motion carried unanimously.

2. **OAR 259-070-0010 – Proposed Rule Update**

See Appendix A

Chair Anderson asked if everyone had reviewed the information provided by staff. All had. Linsay Hale reviewed the proposed update for the Board.

Action Items:

1 & 2. Determine whether to approve filing the proposed language for OAR 259-070-0010 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received.

Richard Brown moved to approve filing the proposed language as a proposed rule with the Secretary of State, and permanent rule if no comments are received. Jeff Jones seconded the motion. The motion carried with a unanimous vote.

3. Determine whether there is a significant fiscal impact on small businesses.

Consensus was reached that the proposed rule change does not have a significant impact on small businesses.

3. Next meeting – January 26, 2012

With no further business to discuss, the meeting was adjourned at 10:15.

Appendix A

**Department of Public Safety Standards and Training
Memo**

Date: October 27, 2011
To: Public Safety Memorial Fund Board
From: Linsay Hale
Rules & Compliance Coordinator
Subject: OAR 259-070-0010 – Proposed Rule
PSMF - Eligibility

Issue: It was recently brought to the attention of DPSST staff that the Public Safety Memorial Fund eligibility dates found in Administrative Rule do not mirror the Act as it was enrolled in 1999. Section 12, Chapter 981, Oregon Laws 1999 allow for the family members of public safety officers who suffered a qualifying death after January 1, 1997, but prior to October 23, 1999 to be eligible for PSMF benefits. After consulting with the Department of Justice, it was determined that, although this clause was not written into statute, the eligibility dates remain as determined when the bill passed the legislature in 1999. The proposed update will add the grandfather clause to the rule, ensuring the eligibility dates are accurate.

The following revised language for OAR 259-070-0010 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-070-0010

Eligibility

(1) Eligibility of award applies to public safety officers who suffered a qualifying death or disability on or after October 23, 1999. Subject to availability of funds, the Board may award benefits to:

(a) Eligible family members of public safety officers who suffered a qualifying death or disability on or after October 23, 1999;

(b) A designee of a public safety officer who suffered a qualifying death or disability on or after January 1, 2008.

(c) Family members of public safety officers who suffered a qualifying death or disability after January 1, 1997, but prior to October 23, 1999 as described in Section 12, Chapter 981, Oregon Laws 1999.

(2) Prior to acceptance of an initial application, any individual applying for benefits based on a qualifying disability must provide satisfactory evidence that they meet the definition of "permanent total disability" found in ORS 656.206 and OAR 436-030-0055.

(3) Satisfactory evidence is established by submitting:

(a) Proof of Determination of Permanent Total Disability in compliance with the Worker's Compensation Division of the Department of Consumer and Business Services;
or

(b) Competent written vocational testimony by a person fully certified by the State of Oregon to render vocational services that the applicant meets the definition of "permanent total disability" found in ORS 656.206 and OAR 430-030-0055.

Stat. Auth.: ORS 245.950

Stats. Implemented: ORS 245.950

ACTION ITEM 1: Determine whether to approve filing the proposed language for OAR 259-070-0010 with the Secretary of State as a proposed rule.

ACTION ITEM 2: Determine whether to approve filing the proposed language for OAR 259-070-0010 with the Secretary of State as a permanent rule if no comments are received.

ACTION ITEM 3: Determine whether there is a significant fiscal impact on small businesses.