

**PUBLIC SAFETY DEPARTMENT[661]**

**Adopted and Filed**

**Rule making related to public safety survivor benefits**

The Department of Public Safety hereby adopts Chapter 292, “Public Safety Survivor Benefits Fund,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 80.47.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 80.47.

*Purpose and Summary*

The purpose of Chapter 292 is to create the parameters that will regulate the distribution of the public safety survivor benefits fund. The rules in Chapter 292 include the application process and describe how organizations eligible for funding will be chosen by the Department.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 11, 2019, as **ARC 4651C**. No public comments were received. A change was made to a phrase in rule 661—292.2(80) to read “a fire fighter, to whom” to make clear that the rule is about a peace officer or fire fighter as a person and not an entity. Also, subrule 292.4(3) was modified to note that awards determined annually in subrule 292.4(2) will be distributed annually. Finally, a change was made to the implementation sentence at the end of the chapter to remove the reference to 2019 Iowa Acts since the amendments in the Acts are codified in the 2020 Iowa Code.

*Adoption of Rule Making*

This rule making was adopted by the Department on November 1, 2019.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on January 8, 2020.

The following rule-making action is adopted:

Adopt the following **new** 661—Chapter 292:

CHAPTER 292  
PUBLIC SAFETY SURVIVOR BENEFITS FUND

**661—292.1(80) Purpose.** These rules establish the operation of the public safety survivor benefits fund. This fund shall be used to assist the surviving families of eligible peace officers and fire fighters killed in the line of duty with the payment of costs associated with accident or health care coverage pursuant to Iowa Code section 509A.13C.

**661—292.2(80) Definition.** For the purposes of this chapter, “eligible peace officer or fire fighter” means a peace officer as defined in Iowa Code section 801.4, or a fire fighter, to whom a line of duty death benefit is payable pursuant to Iowa Code section 97A.6(16), 97B.52(2), or 411.6(15).

**661—292.3(80) Fund eligibility.** To be awarded funding from the public safety survivor benefits fund, an applicant shall be a nonprofit organization that provides resources to assist the surviving families of eligible peace officers or fire fighters killed in the line of duty.

**661—292.4(80) Procedure.** Applications for the public safety survivor benefits fund shall be submitted to the Iowa Department of Public Safety, Commissioner’s Office, 215 East 7th Street, Des Moines, Iowa 50319. Applications shall be submitted annually by November 1.

**292.4(1) Application process.** An application shall contain all of the following:

- a. The name and address of the organization,
- b. Articles of incorporation of the organization,
- c. The mission statement of the organization,
- d. The employment identification number (EIN) of the organization,
- e. A statement proposing how the grant will be used for the surviving families of eligible peace officers or fire fighters, and
- f. Any other details that the department may deem useful in the evaluation of an award of the grants as set forth in this chapter.

**292.4(2) Award determination.**

a. The commissioner of the department or the commissioner’s designee shall review the applications and determine the organizations to receive grant funding. At least one organization for the surviving families of peace officers and one organization for the surviving families of fire fighters shall be chosen each year. Organizations shall be notified annually by December 1.

b. The department shall give first consideration to:

- (1) Iowa Concerns of Police Survivors, Inc., and similar nonprofit organizations.
- (2) Iowa Professional Fire Fighters, Inc., and similar nonprofit organizations.

**292.4(3) Award disbursement.** Chosen organizations shall receive the award annually by January 1.

**292.4(4) Report required.** All organizations receiving funding shall file a report with the department no later than July 1 for each year that funding is received. The report shall contain all of the following:

- a. The number of surviving families that received benefits associated with accident or health care coverage from the nonprofit organization,
- b. The number of surviving families that were denied benefits,
- c. The amount of actual benefits paid to each surviving family,

*d.* The total amount of administrative costs associated with providing benefits to surviving families.

These rules are intended to implement Iowa Code section 80.47.

[Filed 10/25/19, effective 1/8/20]

[Published 12/4/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/4/19.