

REPRINTED

APR 17 2000  
APPROPRIATIONS

HOUSE FILE 2576  
BY RANTS and SCHRADER

Passed House, Date <sup>(P. 1841)</sup> 4/26/00 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 100 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act providing a death benefit for certain volunteer emergency  
2 services providers killed in the line of duty and providing a  
3 standing appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 2576

1 Section 1. Section 80.9, subsection 2, Code Supplement  
2 1999, is amended by adding the following new unnumbered  
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. i. To administer section  
5 100B.11 relating to volunteer emergency services provider  
6 death benefits.

7 Sec. 2. NEW SECTION. 100B.11 VOLUNTEER EMERGENCY  
8 SERVICES PROVIDER DEATH BENEFIT -- ELIGIBILITY.

9 1. There is appropriated annually from the general fund of  
10 the state to the department of revenue and finance an amount  
11 sufficient to pay death benefit claims under this section.  
12 The director of revenue and finance shall issue warrants for  
13 payment of death benefit claims approved for payment by the  
14 department of public safety under subsection 2.

15 2. a. If the department of public safety determines, upon  
16 the receipt of evidence and proof from the fire chief or  
17 supervising officer, that the death of a volunteer emergency  
18 services provider was the direct and proximate result of a  
19 traumatic personal injury incurred in the line of duty as a  
20 volunteer, a line of duty death benefit in an amount of one  
21 hundred thousand dollars shall be paid in a lump sum to the  
22 volunteer emergency services provider's beneficiary. A line  
23 of duty death benefit payable under this subsection shall be  
24 in addition to any other death benefit payable to the  
25 volunteer emergency services provider.

26 b. A line of duty death benefit shall not be payable under  
27 this subsection if any of the following applies:

28 (1) The death resulted from stress, strain, occupational  
29 illness, or a chronic, progressive, or congenital illness,  
30 including, but not limited to, a disease of the heart, lungs,  
31 or respiratory system, unless a traumatic personal injury was  
32 a substantial contributing factor to the volunteer emergency  
33 services provider's death.

34 (2) The death was caused by the intentional misconduct of  
35 the volunteer emergency services provider or by such

1 provider's intent to cause the provider's own death.

2 (3) The volunteer emergency services provider was  
3 voluntarily intoxicated at the time of death.

4 (4) The volunteer emergency services provider was  
5 performing the provider's duties in a grossly negligent manner  
6 at the time of death.

7 (5) A beneficiary who would otherwise be entitled to a  
8 benefit under this subsection was, through the beneficiary's  
9 actions, a substantial contributing factor to the volunteer  
10 emergency services provider's death.

11 3. For purposes of this section, "volunteer emergency  
12 services provider" means a volunteer fire fighter as defined  
13 in section 85.61 or a volunteer emergency medical care  
14 provider or volunteer emergency rescue technician defined in  
15 section 147A.1 who is not covered as a volunteer emergency  
16 services provider under chapter 97B or 411.

17 EXPLANATION

18 This bill provides a death benefit to volunteer fire  
19 fighters and volunteer emergency medical care providers and  
20 volunteer emergency rescue technicians killed in the line of  
21 duty. The death benefit is a lump sum payment of \$100,000.  
22 The bill provides a standing unlimited appropriation for  
23 payment of the death benefit.

24 The bill provides that the department of public safety will  
25 be responsible for determining whether a death benefit claim  
26 is payable.

27 The bill defines "volunteer emergency services provider".  
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HOUSE FILE 2576

H-8923

- 1 Amend House File 2576 as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ . EFFECTIVE DATE -- RETROACTIVE
- 5 APPLICABILITY. This Act, being deemed of immediate
- 6 importance, takes effect upon enactment and is
- 7 retroactively applicable to January 1, 2000, and is
- 8 applicable on and after that date."
- 9 2. Title page, line 3, by inserting after the
- 10 word "appropriation" the following: "and providing an
- 11 effective and retroactive applicability date".
- 12 3. By renumbering as necessary.

By BAUDLER of Adair  
GARMAN of Story  
CORMACK of Webster

H-8923 FILED APRIL 18, 2000

*W/D*  
*4/26/00 (p.1840)*

HOUSE FILE 2576

H-8927

- 1 Amend House File 2576 as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_ . REPEAL. This Act is repealed July 1,
- 5 2002."
- 6 2. By renumbering as necessary.

By MARTIN of Scott

H-8927 FILED APRIL 18, 2000

*W/D*  
*4/26/00 (p.1841)*

HOUSE FILE 2576

H-8967

- 1 Amend House File 2576 as follows:
- 2 1. Page 2, line 16, by striking the figure "97B"
- 3 and inserting the following: "97A, 97B,".

By HORBACH of Tama

H-8967 FILED APRIL 19, 2000

*Adopted*  
*4/26/00 (p.1841)*

H-9045

1 Amend House File 2576 as follows:

2 1. Page 1, line 18, by inserting after the word  
3 "provider" the following: "that occurred on or after  
4 January 1, 1998,".5 2. Page 2, by inserting after line 16, the  
6 following:7 "Sec. \_\_\_\_ . RETROACTIVE APPLICABILITY. This Act  
8 applies retroactively to January 1, 1998, to deaths in  
9 the line of duty occurring on or after that date."10 3. Title page, line 2, by striking the words  
11 "duty and" and inserting the following: "duty,".12 4. Title page, line 3, by inserting after the  
13 word "appropriation" the following: ", and including  
14 a retroactive applicability provision".

15 5. By renumbering as necessary.

By EDDIE of Buena Vista

H-9045 FILED APRIL 24, 2000

*W/D  
(P.1840)*

## HOUSE FILE 2576

H-9064

1 Amend House File 2576 as follows:

2 1. Page 2, by inserting after line 16 the  
3 following:

4 "Sec. \_\_\_\_ . REPEAL -- LEGISLATIVE INTENT.

5 1. This Act is repealed July 1, 2002.

6 2. It is the intent of the general assembly that  
7 the repeal of this Act on July 1, 2002, will allow  
8 consideration of recommendations relating to this Act  
9 to be received by the general assembly from the  
10 department of management based on the department's  
11 study of the possible implementation of a system to  
12 provide retirement benefits and death and survivor  
13 benefits to volunteer fire fighters and volunteer  
14 emergency medical service personnel."

15 2. By renumbering as necessary.

By MARTIN of Scott

H-9064 FILED APRIL 24, 2000

*adopted  
4/26/00*

(As Amended and Passed by the House, April 26, 2000)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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House Amendments \_\_\_\_\_

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16 services provider under chapter 97A, 97B, or 411.

17 Sec. 3. REPEAL -- LEGISLATIVE INTENT.

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26 medical service personnel.

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