

JAN 22 2004  
STATE GOVERNMENT

HOUSE FILE 2061

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(COMPANION TO 5393SS BY BRUNKHORST)

HF 2061

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

**A BILL FOR**

1 An Act concerning eligibility requirements for payment of a  
2 volunteer emergency services provider death benefit resulting  
3 from a heart attack or stroke.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. Section 100B.11, subsection 2, paragraph b,  
2 subparagraph (1), Code Supplement 2003, is amended to read as  
3 follows:

4 (1) (a) The death resulted from stress, strain,  
5 occupational illness, or a chronic, progressive, or congenital  
6 illness, including, but not limited to, a disease of the  
7 heart, lungs, or respiratory system, unless a traumatic  
8 personal injury was a substantial contributing factor to the  
9 volunteer emergency services provider's death.

10 (b) However, if the death was the direct and proximate  
11 result of a heart attack or stroke, the volunteer emergency  
12 services provider shall be presumed to have died as a result  
13 of a traumatic personal injury if the provider engaged in a  
14 nonroutine stressful or strenuous activity within the scope of  
15 the provider's duties and the death resulted while engaging in  
16 that activity, while still on duty after engaging in that  
17 activity, or not later than twenty-four hours after engaging  
18 in that activity, and the presumption is not overcome by  
19 competent medical evidence to the contrary.

20 EXPLANATION

21 This bill concerns eligibility for state payment of a line  
22 of duty death benefit to volunteer emergency services  
23 providers. Volunteer emergency services providers include  
24 volunteer fire fighters, volunteer emergency medical care  
25 providers, volunteer emergency services providers, and reserve  
26 peace officers.

27 The bill provides that if the death was the result of a  
28 heart attack or stroke, the death will be presumed to have  
29 been as a result of a traumatic personal injury and  
30 compensable if the provider had engaged in nonroutine  
31 stressful or strenuous activity and the death occurred while  
32 engaging in that activity, while still on duty after that  
33 activity, or within 24 hours after the activity, and the  
34 presumption cannot be overcome by medical evidence.

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# Legislative Fiscal Bureau

## Fiscal Note

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HF 2061 - Firefighter Death Benefits (LSB 5393 YH)

Analyst: Ron Robinson (Phone: (515) 281-6256) (Ron.Robinson@legis.state.ia.us)

Fiscal Note Version - New

Requested by Representative Jeffrey Elgin

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### Description

House File 2061 changes the exclusion for deaths resulting from stress or strain to permit the payment of a \$100,000 death benefit for emergency services providers not covered by the Public Safety Peace Officers' Retirement, Accident, and Disability System, the Iowa Public Employees' Retirement System (IPERS), or the Municipal Fire and Police Retirement System of Iowa, who die in the line of duty from a heart attack or stroke, within 24 hours of engaging in duties as an emergency services provider, unless shown by competent medical evidence that the death resulted from something other than from a non-routine stressful or strenuous activity within the scope of the providers duties.

### Assumptions

1. The number of deaths that will occur is unknown.
2. During calendar years 1994 through 2002, a total of five Iowa volunteer fire fighters died in the line of duty, with two of the deaths being attributed to stress.

### Fiscal Impact

The estimated fiscal impact of HF 2061 cannot be determined since the number of future deaths is unknown.

Each death of an emergency services provider, not covered by the Public Safety Peace Officers' Retirement, Accident, and Disability System, the Iowa Public Employees' Retirement System (IPERS), or the Municipal Fire and Police Retirement System of Iowa, in the line of duty from a heart attack or stroke, beginning July 1, 2004, would result in a \$100,000 impact to the General Fund.

### Source

National Fire Data Center

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Dennis C Prouty

March 1, 2004

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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