

Passed Senate, Date \_\_\_\_\_ Passed House, 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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SENATE FILE 2044

S-5074

1 Amend Senate File 2044 as follows:  
 1 1. Page 1, line 14, by inserting after the word  
 3 "strenuous" the following: "physical".  
 1 2. Page 1, line 19, by inserting after the word  
 1 "contrary." the following: "For purposes of this  
 6 subparagraph subdivision, "nonroutine stressful or  
 1 strenuous physical activity" includes, but is not  
 1 limited to, nonroutine stressful or strenuous physical  
 1 law enforcement, fire suppression, rescue, hazardous  
 1 material response, emergency medical services, prison  
 1 security, disaster relief, emergency response, and  
 1 training exercise activities. "Nonroutine stressful  
 1 or strenuous physical activity" does not include  
 1 activities of a clerical, administrative, or nonmanual  
 1 nature."

By MAGGIE TINSMAN

S-5074 FILED MARCH 10, 2004

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SF 2044  
STATE GOVERNMENT

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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SF 2044 - Firefighter Death Benefits (LSB 5393 SS)

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

Fiscal Note Version - New

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### Description

Senate File 2044 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 SF 2044 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

Dennis C Prouty

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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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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 physical activity within the  
15 scope of the provider's duties and the death resulted while  
16 engaging in that activity, while still on duty after engaging  
17 in that activity, or not later than twenty-four hours after  
18 engaging in that activity, and the presumption is not overcome  
19 by competent medical evidence to the contrary. For purposes  
20 of this subparagraph subdivision, "nonroutine stressful or  
21 strenuous physical activity" includes, but is not limited to,  
22 nonroutine stressful or strenuous physical law enforcement,  
23 fire suppression, rescue, hazardous material response,  
24 emergency medical services, prison security, disaster relief,  
25 emergency response, and training exercise activities.  
26 "Nonroutine stressful or strenuous physical activity" does not  
27 include activities of a clerical, administrative, or nonmanual  
28 nature.

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SENATE FILE 2044

AN ACT

CONCERNING ELIGIBILITY REQUIREMENTS FOR PAYMENT OF A VOLUNTEER  
EMERGENCY SERVICES PROVIDER DEATH BENEFIT RESULTING FROM A  
HEART ATTACK OR STROKE.

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

Section 1. Section 100B.11, subsection 2, paragraph b,  
subparagraph (1), Code Supplement 2003, is amended to read as  
follows:

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

(b) However, if the death was the direct and proximate  
result of a heart attack or stroke, the volunteer emergency  
services provider shall be presumed to have died as a result  
of a traumatic personal injury if the provider engaged in a  
nonroutine stressful or strenuous physical activity within the  
scope of the provider's duties and the death resulted while  
engaging in that activity, while still on duty after engaging  
in that activity, or not later than twenty-four hours after  
engaging in that activity, and the presumption is not overcome  
by competent medical evidence to the contrary. For purposes  
of this subparagraph subdivision, "nonroutine stressful or  
strenuous physical activity" includes, but is not limited to,  
nonroutine stressful or strenuous physical law enforcement,  
fire suppression, rescue, hazardous material response,  
emergency medical services, prison security, disaster relief,

emergency response, and training exercise activities.  
"Nonroutine stressful or strenuous physical activity" does not  
include activities of a clerical, administrative, or nonmanual  
nature.

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JEFFREY M. LAMBERTI  
President of the Senate

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CHRISTOPHER C. RANTS  
Speaker of the House

I hereby certify that this bill originated in the Senate and  
is known as Senate File 2044, Eightieth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor