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STATE GOVERNMENT

HOUSE FILE 2172  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act concerning the line of duty death benefit payable to  
2 public safety providers and making an appropriation.

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

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HF 2172

1 Section 1. Section 97A.6, subsection 16, paragraph b,  
2 subparagraph (1), Code Supplement 2005, 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 member's death.

10 (b) However, if the death was the direct and proximate  
11 result of a heart attack or stroke, the member shall be  
12 presumed to have died as a result of a traumatic personal  
13 injury if the member engaged in a nonroutine stressful or  
14 strenuous physical activity within the scope of the member's  
15 duties and the death resulted while engaging in that activity,  
16 while still on duty after engaging in that activity, or not  
17 later than twenty-four hours after engaging in that activity,  
18 and the presumption is not overcome by competent medical  
19 evidence to the contrary. For purposes of this subparagraph  
20 subdivision, "nonroutine stressful or strenuous physical  
21 activity" includes, but is not limited to, nonroutine  
22 stressful or strenuous physical law enforcement, fire  
23 suppression, rescue, hazardous material response, emergency  
24 medical services, prison security, disaster relief, emergency  
25 response, and training exercise activities. "Nonroutine  
26 stressful or strenuous physical activity" does not include  
27 activities of a clerical, administrative, or nonmanual nature.

28 Sec. 2. Section 97A.6, subsection 16, paragraph b, Code  
29 Supplement 2005, is amended by adding the following new  
30 subparagraph:

31 NEW SUBPARAGRAPH. (6) The death qualifies for a volunteer  
32 emergency services provider death benefit pursuant to section  
33 100B.11.

34 Sec. 3. Section 97B.52, subsection 2, paragraph b,  
35 subparagraph (1), Code 2005, is amended to read as follows:

1 (1) (a) The death resulted from stress, strain,  
2 occupational illness, or a chronic, progressive, or congenital  
3 illness, including, but not limited to, a disease of the  
4 heart, lungs, or respiratory system, unless a traumatic  
5 personal injury was a substantial contributing factor to the  
6 special service member's death.

7 (b) However, if the death was the direct and proximate  
8 result of a heart attack or stroke, the special service member  
9 shall be presumed to have died as a result of a traumatic  
10 personal injury if the special service member engaged in a  
11 nonroutine stressful or strenuous physical activity within the  
12 scope of the member's duties and the death resulted while  
13 engaging in that activity, while still on duty after engaging  
14 in that activity, or not later than twenty-four hours after  
15 engaging in that activity, and the presumption is not overcome  
16 by competent medical evidence to the contrary. For purposes  
17 of this subparagraph subdivision, "nonroutine stressful or  
18 strenuous physical activity" includes, but is not limited to,  
19 nonroutine stressful or strenuous physical law enforcement,  
20 fire suppression, rescue, hazardous material response,  
21 emergency medical services, prison security, disaster relief,  
22 emergency response, and training exercise activities.  
23 "Nonroutine stressful or strenuous physical activity" does not  
24 include activities of a clerical, administrative, or nonmanual  
25 nature.

26 Sec. 4. Section 97B.52, subsection 2, paragraph b, Code  
27 2005, is amended by adding the following new subparagraph:

28 NEW SUBPARAGRAPH. (6) The death qualifies for a volunteer  
29 emergency services provider death benefit pursuant to section  
30 100B.11.

31 Sec. 5. Section 100B.11, subsection 3, Code 2005, is  
32 amended to read as follows:

33 3. For purposes of this section, "volunteer emergency  
34 services provider" means a any of the following:

35 a. A volunteer fire fighter as defined in section 85.617

1 a.

2 b. A volunteer person performing the functions of an  
3 emergency medical care provider or volunteer emergency rescue  
4 technician as defined in section 147A.1 who is not covered as  
5 a volunteer emergency services provider under chapter 97A,  
6 97B, or 411, or a was not paid full-time by the entity for  
7 which such services were being performed at the time the  
8 incident giving rise to the death occurred.

9 c. A reserve peace officer as defined in section 80D.1A.

10 Sec. 6. NEW SECTION. 100B.11A SUPPLEMENTAL PUBLIC SAFETY  
11 PROVIDER DEATH BENEFIT -- ELIGIBILITY.

12 1. There is appropriated annually from the general fund of  
13 the state to the department of administrative services an  
14 amount sufficient to pay supplemental death benefit claims  
15 under this section. The director of the department of  
16 administrative services shall issue warrants for payment of  
17 the supplemental death benefit claims approved for payment by  
18 the department of public safety under subsection 2. A  
19 supplemental line of duty death benefit payable under this  
20 section shall be in addition to any other death benefit  
21 payable on behalf of an eligible public safety provider.

22 2. Upon written application with appropriate  
23 documentation, a supplemental line of duty death benefit shall  
24 be paid to the beneficiary of an eligible public safety  
25 provider in a lump sum equal to the supplemental benefit  
26 amount. The application shall include documentation of the  
27 line of duty death benefit otherwise payable on behalf of an  
28 eligible public safety provider.

29 3. For purposes of this section:

30 a. "Eligible public safety provider" is the person whose  
31 beneficiary is entitled to receive a line of duty death  
32 benefit pursuant to section 97A.6, subsection 16, section  
33 97B.52, subsection 2, or section 411.6, subsection 15.

34 b. "Supplemental benefit amount" is the amount, if any,  
35 equal to one hundred thousand dollars less the amount payable

1 on behalf of an eligible public safety provider pursuant to  
2 section 97A.6, subsection 16, section 97B.52, subsection 2, or  
3 section 411.6, subsection 15.

4 Sec. 7. Section 411.6, subsection 15, paragraph b,  
5 subparagraph (1), Code 2005, is amended to read as follows:

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

12 (b) However, if the death was the direct and proximate  
13 result of a heart attack or stroke, the member shall be  
14 presumed to have died as a result of a traumatic personal  
15 injury if the member engaged in a nonroutine stressful or  
16 strenuous physical activity within the scope of the member's  
17 duties and the death resulted while engaging in that activity,  
18 while still on duty after engaging in that activity, or not  
19 later than twenty-four hours after engaging in that activity,  
20 and the presumption is not overcome by competent medical  
21 evidence to the contrary. For purposes of this subparagraph  
22 subdivision, "nonroutine stressful or strenuous physical  
23 activity" includes, but is not limited to, nonroutine  
24 stressful or strenuous physical law enforcement, fire  
25 suppression, rescue, hazardous material response, emergency  
26 medical services, prison security, disaster relief, emergency  
27 response, and training exercise activities. "Nonroutine  
28 stressful or strenuous physical activity" does not include  
29 activities of a clerical, administrative, or nonmanual nature.

30 Sec. 8. Section 411.6, subsection 15, paragraph b, Code  
31 2005, is amended by adding the following new subparagraph:

32 NEW SUBPARAGRAPH. (6) The death qualifies for a volunteer  
33 emergency services provider death benefit pursuant to section  
34 100B.11.

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EXPLANATION

1 This bill concerns the \$100,000 line of duty death benefit  
2 payable to eligible public safety employees under the peace  
3 officers retirement system (PORS) in Code chapter 97A, the  
4 Iowa public employees' retirement system (IPERS) in Code  
5 chapter 97B, and the statewide fire and police retirement  
6 system (MFPRSI) established by Code chapter 411, and the  
7 volunteer emergency services provider death benefit in Code  
8 section 100B.11.

9 The bill provides under each retirement system (PORS,  
10 IPERS, and MFPRSI), that if the death of an otherwise eligible  
11 public safety provider was the result of a heart attack or  
12 stroke, the death will be presumed to have been as a result of  
13 a traumatic personal injury and compensable as a line of duty  
14 death benefit if the provider had engaged in nonroutine  
15 stressful or strenuous physical activity and the death  
16 occurred while engaging in that activity, while still on duty  
17 after that activity, or within 24 hours after the activity,  
18 and the presumption cannot be overcome by medical evidence.  
19 The bill also provides that if the line of duty death benefit  
20 payable under any of the retirement systems is less than  
21 \$100,000, a supplemental line of duty death benefit equal to  
22 the difference shall be paid to the beneficiary and payable by  
23 the department of public safety from the general fund of the  
24 state.

25 The bill provides that the volunteer emergency services  
26 provider death benefit under section 100B.11 shall provide for  
27 the death benefit for all volunteer emergency services  
28 providers whether the provider may otherwise be covered under  
29 PORS, IPERS, or MFPRSI. The bill provides that if a benefit  
30 is paid under section 100B.11, no line of duty death benefit  
31 will be payable under the other retirement systems.

32 The bill also amends the definition of a volunteer  
33 emergency services provider under Code section 100B.11 to  
34 cover persons performing the functions of an emergency medical  
35 care provider or emergency rescue technician who were not paid

1 full-time by the entity for which such services were being  
2 performed at the time the incident giving rise to the death  
3 occurred.

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