

# Senate Study Bill 1026

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON CONNOLLY)

Passed Senate, Date \_\_\_\_\_ Passed House, 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:  
4 TLSB 1703XC 82  
5 ec/je/5

PAG LIN

1 1 Section 1. Section 97A.6, subsection 16, paragraph b,  
1 2 subparagraph (1), Code 2007, is amended to read as follows:  
1 3 (1) a. The death resulted from stress, strain,  
1 4 occupational illness, or a chronic, progressive, or congenital  
1 5 illness, including, but not limited to, a disease of the  
1 6 heart, lungs, or respiratory system, unless a traumatic  
1 7 personal injury was a substantial contributing factor to the  
1 8 member's death.  
1 9 (b) However, if the death was the direct and proximate  
1 10 result of a heart attack or stroke, the member shall be  
1 11 presumed to have died as a result of a traumatic personal  
1 12 injury if the member engaged in a nonroutine stressful or  
1 13 strenuous physical activity within the scope of the member's  
1 14 duties and the death resulted while engaging in that activity,  
1 15 while still on duty after engaging in that activity, or not  
1 16 later than twenty-four hours after engaging in that activity,  
1 17 and the presumption is not overcome by competent medical  
1 18 evidence to the contrary. For purposes of this subparagraph  
1 19 subdivision, "nonroutine stressful or strenuous physical  
1 20 activity" includes, but is not limited to, nonroutine  
1 21 stressful or strenuous physical law enforcement, fire  
1 22 suppression, rescue, hazardous material response, emergency  
1 23 medical services, prison security, disaster relief, emergency  
1 24 response, and training exercise activities. "Nonroutine  
1 25 stressful or strenuous physical activity" does not include  
1 26 activities of a clerical, administrative, or nonmanual nature.  
1 27 Sec. 2. Section 97B.52, subsection 2, paragraph b,  
1 28 subparagraph (1), Code 2007, is amended to read as follows:  
1 29 (1) a. The death resulted from stress, strain,  
1 30 occupational illness, or a chronic, progressive, or congenital  
1 31 illness, including, but not limited to, a disease of the  
1 32 heart, lungs, or respiratory system, unless a traumatic  
1 33 personal injury was a substantial contributing factor to the  
1 34 special service member's death.  
1 35 (b) However, if the death was the direct and proximate  
2 1 result of a heart attack or stroke, the special service member  
2 2 shall be presumed to have died as a result of a traumatic  
2 3 personal injury if the special service member engaged in a  
2 4 nonroutine stressful or strenuous physical activity within the  
2 5 scope of the member's duties and the death resulted while  
2 6 engaging in that activity, while still on duty after engaging  
2 7 in that activity, or not later than twenty-four hours after  
2 8 engaging in that activity, and the presumption is not overcome  
2 9 by competent medical evidence to the contrary. For purposes  
2 10 of this subparagraph subdivision, "nonroutine stressful or  
2 11 strenuous physical activity" includes, but is not limited to,  
2 12 nonroutine stressful or strenuous physical law enforcement,  
2 13 fire suppression, rescue, hazardous material response,  
2 14 emergency medical services, prison security, disaster relief,  
2 15 emergency response, and training exercise activities.  
2 16 "Nonroutine stressful or strenuous physical activity" does not  
2 17 include activities of a clerical, administrative, or nonmanual  
2 18 nature.

2 19 Sec. 3. NEW SECTION. 100B.32 SUPPLEMENTAL PUBLIC SAFETY  
2 20 PROVIDER DEATH BENEFIT == APPROPRIATION == ELIGIBILITY.  
2 21 1. There is appropriated annually from the general fund of  
2 22 the state to the department of administrative services an  
2 23 amount sufficient to pay supplemental death benefit claims  
2 24 under this section. The director of the department of  
2 25 administrative services shall issue warrants for payment of  
2 26 the supplemental death benefit claims approved for payment by  
2 27 the department of public safety under subsection 2. A  
2 28 supplemental line of duty death benefit payable under this  
2 29 section shall be in addition to any other death benefit  
2 30 payable on behalf of an eligible public safety provider.

2 31 2. Upon written application with appropriate  
2 32 documentation, a supplemental line of duty death benefit shall  
2 33 be paid to the beneficiary of an eligible public safety  
2 34 provider in a lump sum equal to the supplemental benefit  
2 35 amount. The application shall include documentation of the  
3 1 line of duty death benefit otherwise payable on behalf of an  
3 2 eligible public safety provider.

3 3 3. For purposes of this section:

3 4 a. "Eligible public safety provider" is the person whose  
3 5 beneficiary is entitled to receive a line of duty death  
3 6 benefit pursuant to section 97A.6, subsection 16, section  
3 7 97B.52, subsection 2, or section 411.6, subsection 15.

3 8 b. "Supplemental benefit amount" is the amount, if any,  
3 9 equal to one hundred thousand dollars less the amount payable  
3 10 on behalf of an eligible public safety provider pursuant to  
3 11 section 97A.6, subsection 16, section 97B.52, subsection 2, or  
3 12 section 411.6, subsection 15.

3 13 Sec. 4. Section 411.6, subsection 15, paragraph b,  
3 14 subparagraph (1), Code 2007, is amended to read as follows:

3 15 (1) a. The death resulted from stress, strain,  
3 16 occupational illness, or a chronic, progressive, or congenital  
3 17 illness, including, but not limited to, a disease of the  
3 18 heart, lungs, or respiratory system, unless a traumatic  
3 19 personal injury was a substantial contributing factor to the  
3 20 member's death.

3 21 (b) However, if the death was the direct and proximate  
3 22 result of a heart attack or stroke, the member shall be  
3 23 presumed to have died as a result of a traumatic personal  
3 24 injury if the member engaged in a nonroutine stressful or  
3 25 strenuous physical activity within the scope of the member's  
3 26 duties and the death resulted while engaging in that activity,  
3 27 while still on duty after engaging in that activity, or not  
3 28 later than twenty-four hours after engaging in that activity,  
3 29 and the presumption is not overcome by competent medical  
3 30 evidence to the contrary. For purposes of this subparagraph  
3 31 subdivision, "nonroutine stressful or strenuous physical  
3 32 activity" includes, but is not limited to, nonroutine  
3 33 stressful or strenuous physical law enforcement, fire  
3 34 suppression, rescue, hazardous material response, emergency  
3 35 medical services, prison security, disaster relief, emergency  
4 1 response, and training exercise activities. "Nonroutine  
4 2 stressful or strenuous physical activity" does not include  
4 3 activities of a clerical, administrative, or nonmanual nature.

4 4 EXPLANATION

4 5 This bill concerns the \$100,000 line of duty death benefit  
4 6 payable to eligible public safety employees under the peace  
4 7 officers' retirement system (PORS) in Code chapter 97A, the  
4 8 Iowa public employees' retirement system (IPERS) in Code  
4 9 chapter 97B, and the statewide fire and police retirement  
4 10 system (MFPRSI) established by Code chapter 411.

4 11 The bill provides under each retirement system (PORS,  
4 12 IPERS, and MFPRSI), that if the death of an otherwise eligible  
4 13 public safety provider was the result of a heart attack or  
4 14 stroke, the death will be presumed to have been as a result of  
4 15 a traumatic personal injury and compensable as a line of duty  
4 16 death benefit if the provider had engaged in nonroutine  
4 17 stressful or strenuous physical activity and the death  
4 18 occurred while engaging in that activity, while still on duty  
4 19 after that activity, or within 24 hours after the activity,  
4 20 and the presumption cannot be overcome by medical evidence.  
4 21 The bill also provides that if the line of duty death benefit  
4 22 payable under any of the retirement systems is less than  
4 23 \$100,000, a supplemental line of duty death benefit equal to  
4 24 the difference shall be paid to the beneficiary and payable to  
4 25 the department of public safety from the general fund of the  
4 26 state.

4 27 LSB 1703XC 82

4 28 ec:nh/je/5