

FEB 10 2006
STATE GOVERNMENT

HOUSE FILE 2336
BY T. TAYLOR

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 on
2 behalf of members of the statewide fire and police retirement
3 system and providing an appropriation.

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

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HF 2336

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

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

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

27 Sec. 2. Section 411.6, subsection 15, Code 2005, is
28 amended by adding the following new paragraph:

29 NEW PARAGRAPH. c. There is appropriated annually from the
30 general fund of the state to the system an amount sufficient
31 to pay line of duty death benefit claims under this
32 subsection. The director of the department of administrative
33 services shall issue warrants for payment of line of duty
34 death benefit claims approved for payment by the system.

35 EXPLANATION

1 This bill concerns the \$100,000 line of duty death benefit
2 payable to eligible members of the statewide fire and police
3 retirement system (MFPRSI) established by Code chapter 411.

4 The bill provides that if the death of an otherwise
5 eligible member of the MFPRSI was the result of a heart attack
6 or stroke, the death will be presumed to have been as a result
7 of a traumatic personal injury and compensable as a line of
8 duty death benefit if the provider had engaged in nonroutine
9 stressful or strenuous physical activity and the death
10 occurred while engaging in that activity, while still on duty
11 after that activity, or within 24 hours after the activity,
12 and the presumption cannot be overcome by medical evidence.

13 The bill also provides that any line of duty death benefit
14 claim payable to a member of MFPRSI shall be paid by an
15 appropriation from the general fund of the state and not from
16 the pension system fund.

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