

IN THE SENATE

SENATE BILL NO. 1111

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO INSURANCE AND PUBLIC SAFETY OFFICERS; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1352A, IDAHO CODE, TO PROVIDE FOR A PUBLIC SAFETY OFFICER PERMANENT DISABILITY BENEFIT, TO PROVIDE REQUIREMENTS RELATING TO THE PUBLIC SAFETY OFFICER PERMANENT DISABILITY BENEFIT AND TO PROVIDE LEGISLATIVE INTENT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1352A, Idaho Code, and to read as follows:

59-1352A. PUBLIC SAFETY OFFICER PERMANENT DISABILITY BENEFIT. (1) A public safety officer who is ruled by the retirement system to be permanently disabled, as provided in section 59-1302(12), on or after July 1, 2009, as a result of bodily injury or disease sustained in the line of duty is eligible for a one-time permanent disability benefit in the amount of one hundred thousand dollars (\$100,000), which shall be payable as provided in this section to the permanently disabled public safety officer.

(2) Public safety officers who qualify and who seek the benefit under this section shall apply to the retirement board. No benefit shall be payable unless the retirement board determines that:

- (a) The permanent disability occurred in the line of duty;
- (b) The permanent disability was not caused by the intentional misconduct of the public safety officer or by the public safety officer's intentional infliction of injury; and
- (c) The public safety officer was not voluntarily intoxicated at the time of the event causing the permanent disability.

(3) As used in this section, "public safety officer" means an active member of the retirement system who, when injured:

- (a) Was designated as a police officer member under section 59-1303, Idaho Code;
- (b) Was a firefighter as defined in section 59-1302(16), Idaho Code; or
- (c) Was a paid firefighter as defined in section 72-1403(A), Idaho Code.

(4) The benefit payable under this section is as follows:

- (a) Separate from and independent of any benefits payable to the public safety officer under this chapter;
- (b) Not dependent upon years of service or age of the public safety officer; and
- (c) Shall not be subject to state income taxes.

(5) It is the intent of the legislature that this benefit shall be funded solely by public safety officers in perpetuity, and not by an employer, as defined in section 59-1302(15), Idaho

1 Code. Therefore, the costs associated with providing this benefit, as determined by the board,
2 shall be paid solely by the public safety officers.