

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 370

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1  
2 RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION  
3 59-1352A, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE  
4 TECHNICAL CORRECTIONS.

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

6 SECTION 1. That Section 59-1352A, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 59-1352A. PUBLIC SAFETY OFFICER PERMANENT DISABILITY BENEFIT. (1) A  
9 public safety officer who is ruled by the retirement system to be permanently  
10 disabled, as provided in sections 59-1302(12) and 59-1352, Idaho Code, on  
11 or after July 1, 2009, as a result of bodily injury or disease sustained in  
12 the line of duty is eligible for a ~~one-time~~ onetime permanent disability ben-  
13 efit in the amount of one hundred thousand dollars (\$100,000), which shall  
14 be payable as provided in this section to the permanently disabled public  
15 safety officer.

16 (2) Public safety officers who qualify and who seek the benefit un-  
17 der this section shall apply to the retirement board. No benefit shall be  
18 payable unless the retirement board determines that:

19 (a) The permanent disability occurred in the line of duty;

20 (b) The permanent disability was not caused by the intentional miscon-  
21 duct of the public safety officer or by the public safety officer's in-  
22 tentional infliction of injury; and

23 (c) The public safety officer was not voluntarily intoxicated at the  
24 time of the event causing the permanent disability.

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

27 (a) Was designated as a police officer member under section 59-1303,  
28 Idaho Code;

29 (b) Was a firefighter as defined in section 59-1302(16), Idaho Code; or

30 (c) Was a paid firefighter as defined in section 72-1403(A), Idaho  
31 Code.

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

33 (a) Separate from and independent of any benefits payable to the public  
34 safety officer under this chapter;

35 (b) Not dependent upon years of service or age of the public safety of-  
36 ficer; and

37 (c) Shall not be subject to state income taxes.

38 (5) It is the intent of the legislature that this benefit shall be  
39 funded solely by public safety officers in perpetuity, and not by an em-  
40 ployer, as defined in section 59-1302(15), Idaho Code. Therefore, the costs  
41 associated with providing this benefit, as determined by the board, shall be  
42 paid solely by the public safety officers.