

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 371

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; REPEALING SECTION 59-1303, IDAHO CODE, RELATING TO ADDITIONAL DEFINITIONS FOR POLICE OFFICER STATUS; AND AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1303, IDAHO CODE, TO PROVIDE FOR POLICE OFFICER MEMBER STATUS.

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

SECTION 1. That Section [59-1303](#), Idaho Code, be, and the same is hereby repealed.

SECTION 2. 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 59-1303, Idaho Code, and to read as follows:

59-1303. POLICE OFFICER MEMBER STATUS. (1) As used in this chapter, each of the terms used in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) Police officer membership status for retirement purposes may be fixed only by law.

(3) Members holding or filling the following positions or offices are designated by law as having police officer member status for retirement purposes during the time of their appointment to that position or during their term of office:

- (a) Idaho state police:
 - (i) The director and deputy director of the Idaho state police;
 - (ii) Commissioned and sworn troopers, specialists (detectives), and POST training coordinators;
 - (iii) Commissioned and sworn personnel in a supervisory capacity as major, captain, lieutenant, or sergeant; and
 - (iv) The commissioned state brand inspector, deputy brand inspectors, and brand inspector supervisors;
- (b) County law enforcement:
 - (i) County sheriffs;
 - (ii) "Peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code; and
 - (iii) Supervisory "peace officers" and "county detention officers" as defined in chapter 51, title 19, Idaho Code;
- (c) City law enforcement:
 - (i) City police chiefs;
 - (ii) "Peace officers" as defined in chapter 51, title 19, Idaho Code; and
 - (iii) Supervisory "peace officers" as defined in chapter 51, title 19, Idaho Code;

1 (d) Conservation officers, the enforcement assistant chief, and en-
2 forcement bureau chief of the department of fish and game;

3 (e) Department of correction:

4 (i) The director and deputy director of the department of correc-
5 tion, the division chief and deputy division chief for probation
6 and parole, and the wardens and deputy wardens of institutions;

7 (ii) Correctional officers, presentence investigators, cor-
8 rectional officers in the supervisory capacity of lieutenant,
9 sergeant, corporal, correctional specialist, correctional spe-
10 cialist supervisor, and correctional managers;

11 (iii) Probation and parole supervisors, probation and parole in-
12 vestigators, and probation and parole officers; and

13 (iv) Correctional peace officer training instructors;

14 (f) Employees of the adjutant general and military division of the
15 state where military membership is a condition of employment;

16 (g) Magistrates of the district court; justices of the supreme court,
17 judges of the court of appeals, and district judges who have made an
18 election under section 1-2011, Idaho Code; and court employees desig-
19 nated by court order to have primary responsibility for court security
20 or transportation of prisoners;

21 (h) Employees whose primary function requires that they are certified
22 by the Idaho department of health and welfare as an emergency medical
23 technician-basic, an advanced emergency medical technician-ambulance,
24 an emergency medical technician-intermediate, or an emergency medical
25 technician-paramedic;

26 (i) Criminal investigators of the attorney general's office, and crim-
27 inal investigators of a prosecuting attorney's office; and

28 (j) The director of security and the criminal investigators of the
29 Idaho state lottery.

30 (4) On and after July 1, 1985, no active member shall be classified as
31 a police officer for retirement purposes unless the employer shall have cer-
32 tified to the board, on a form provided by the board, that such member is an
33 employee whose primary position with the employer is one designated as such
34 within the meaning of this chapter, and the board shall have accepted such
35 certification. Acceptance by the board of an employer's certification shall
36 in no way limit the board's right to review and reclassify the position for
37 retirement purposes based upon an audit or other relevant information pre-
38 sented to the board. The board may carry out such acts as are necessary to
39 enforce the provisions of this chapter.

40 (5) A member classified as a police officer for retirement purposes
41 whose position is reclassified to that of a general member for retirement
42 purposes as a result of a determination that the position does not meet the
43 requirements of this chapter for police officer member status for retirement
44 purposes shall become a general member. Excess employer and employee con-
45 tributions shall be refunded to the employer by offsetting future contribu-
46 tions and the member's record shall be corrected. It shall be the employer's
47 responsibility to refund employee contributions directly to the employee.