

IN THE SENATE

SENATE BILL NO. 1158

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO SOCIAL SECURITY BENEFITS; AMENDING SECTION 59-1101, IDAHO CODE,
2 TO REVISE TERMINOLOGY, TO PROVIDE CORRECT CITATIONS, TO PROVIDE THAT
3 SOCIAL SECURITY BENEFITS EXTEND TO POLICE OFFICERS AND FIREFIGHTERS, TO
4 DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMER-
5 GENCY.
6

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

8 SECTION 1. That Section 59-1101, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 59-1101. ACCEPTANCE OF BENEFITS OF FEDERAL SOCIAL SECURITY ACT. (1)
11 The state of Idaho ~~is~~ on behalf of all of its officers and employees and the
12 officers and employees of all of its agencies, counties, and cities, and
13 ~~towns~~ and of any and all of its municipal corporations and, political sub-
14 divisions, including, for the purpose of this chapter, drainage districts
15 organized under chapter 29, title 42, Idaho Code, and irrigation districts
16 organized under chapter 1, title 43, Idaho Code, and water districts and
17 boards of control of federal reclamation projects, and soil conservation
18 districts, and housing authorities organized and created pursuant to chap-
19 ter 44, title 50, governmental entities, independent bodies corporate and
20 politic or any legal entity independently or collectively providing gov-
21 ernmental functions and created pursuant to Idaho Code, hereby accepts the
22 benefits of the provisions of the Ffederal social Ssecurity Aact, 53 Stat.
23 1373, for Old Age and Survivors' Insurance Benefits of 1935, as amended
24 thereto, whenever the provisions of such act are extended to embrace their
25 officers and employees; provided, however, that any services of an emergency
26 nature, positions the compensation for which is on a fee basis, or service
27 performed by a student, pursuant to 42 U.S.C. section 418(c) (6) shall not be
28 considered as employment within the meaning of this chapter.

29 (2) Pursuant to the provisions of 42 U.S.C. section 418(d) (1), (d) (3)
30 and (1), the benefits described in this section are extended to police offi-
31 cer positions and firefighter positions covered by a retirement system.

32 (a) For the purposes of social security coverage and the provisions
33 of this section, a "police officer position" means a paid position ex-
34 isting in the regularly organized police department or police force of
35 the state or any political subdivision created pursuant to Idaho Code,
36 whose primary duties and principal accountability consists of one (1)
37 or more of the characteristics of maintaining order, preventing and
38 detecting crime and enforcing the laws of the state or any political
39 subdivision.

40 (b) For the purposes of social security coverage and the provisions
41 of this section, a "firefighter position" means a paid position ex-
42 isting in the organized fire department, district or association of

1 incorporated municipalities, counties, state agencies or any political
2 subdivision created pursuant to Idaho Code, whose primary duties and
3 principal accountability consists of the prevention, pre-suppression,
4 suppression and extinguishment of fires. A "firefighter position"
5 includes positions such as a fire marshal whose principal accountabil-
6 ity is to investigate the cause and origin of fires and includes a fire
7 chief, fire captain and fire warden whose primary position and princi-
8 pal accountability requires direct supervision of employees engaged
9 in the prevention, pre-suppression, suppression and extinguishment of
10 fires. A "firefighter position" does not include an employee who may be
11 required on occasion to engage in firefighter activities as a secondary
12 requirement of the position.

13 (c) The terms "police officer position" and "firefighter position" do
14 not include services in positions that, although connected with police
15 officer and firefighter functions, are not police officer or fire-
16 fighter positions.

17 SECTION 2. An emergency existing therefor, which emergency is hereby
18 declared to exist, this act shall be in full force and effect on and after its
19 passage and approval.