

**HOUSE BILL NO. 1435**

Introduced by

Representatives Ista, Adams, Guggisberg, Heinert, Lefor, Mock, O'Brien, M. Ruby, Vetter  
Senators Bakke, Kreun, Meyer

1 A BILL for an Act to create and enact a new section to chapter 11-10, a new section to chapter  
2 15-10, a new section to chapter 39-03.1, a new section to chapter 40-20, and a new section to  
3 chapter 54-23.3 of the North Dakota Century Code, relating to peace officers, patrolmen,  
4 correctional officers, and firefighters who die in the line of duty; and to provide for retroactive  
5 application.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new section to chapter 11-10 of the North Dakota Century Code is created  
8 and enacted as follows:

9 **Dying in the line of duty - Health benefits.**

10 1. As used in this section:

11 a. "Correctional facility staff" has the same meaning as provided under section  
12 12-44.1-01.

13 b. "Dies in the line of duty" means a death occurring as a direct and proximate  
14 result of a personal injury sustained by an employee engaged in a line of duty  
15 activity or which arose out of and as a result of the individual's performance of a  
16 line of duty activity.

17 c. "Employee" means correctional facility staff, a firefighter, or a peace officer  
18 employed by the county.

19 d. "Health benefits" means hospital, prescription drug, and medical service benefits.  
20 The term may include dental and vision services benefits. The term does not  
21 include a policy of workforce safety and insurance, a long-term care insurance  
22 policy, a life insurance policy, or an annuity.

23 e. "Line of duty activity" means an employment-related action taken by an employee  
24 which is required or authorized by law, rule, regulation, or condition of

1                   employment and for which compensation is provided by the employing agency or  
2                   would have been eligible to have been provided by the employing agency if the  
3                   employee had been on duty at the time the action in question was taken.

4           f.   "Peace officer" has the same meaning as provided under section 12-63-01.

5           2.   If a county provides health benefits for an employee at the time the employee dies in  
6           the line of duty, the county shall continue to provide the health benefits for the  
7           employee's surviving spouse and dependent child who were covered under the health  
8           benefits at the time of the death. The provision of health benefits under this section  
9           includes coverage of a child of the employee who was unborn at the time of the death.

10          3.   The provision of health benefits under this section must continue for a:

11           a.   Surviving spouse until the surviving spouse receives health benefits from another  
12           source or reaches age sixty-five; and

13           b.   Dependent child until the dependent child reaches age twenty-six or receives  
14           health benefits from another source.

15          **SECTION 2.** A new section to chapter 15-10 of the North Dakota Century Code is created  
16 and enacted as follows:

17          **Peace officers who die in the line of duty - Health benefits.**

18          1.   As used in this section:

19           a.   "Dies in the line of duty" means a death occurring as a direct and proximate  
20           result of a personal injury sustained by a peace officer while engaged in a line of  
21           duty activity or which arose out of and as a result of the individual's performance  
22           of a line of duty activity.

23           b.   "Health benefits" means hospital, prescription drug, and medical service benefits.  
24           The term may include dental and vision services benefits. The term does not  
25           include a policy of workforce safety and insurance, a long-term care insurance  
26           policy, a life insurance policy, or an annuity.

27           c.   "Line of duty activity" means an employment-related action taken by a peace  
28           officer which is required or authorized by law, rule, regulation, or condition of  
29           employment and for which compensation is provided by the employing agency or  
30           would have been eligible to have been provided by the employing agency if the  
31           peace officer had been on duty at the time the action in question was taken.

- 1           d. "Peace officer" has the same meaning as provided under section 12-63-01.
- 2           2. If an institution of higher education under the control of the state board of higher  
3           education provides health benefits for an employee employed as a peace officer at the  
4           time the employee dies in the line of duty, the institution of higher education shall  
5           continue to provide the health benefits for the employee's surviving spouse and  
6           dependent child who were covered under the health benefits at the time of death. The  
7           provision of health benefits under this section includes coverage of a child of the  
8           employee who was unborn at the time of the death.
- 9           3. The provision of health benefits under this section must continue for a:
- 10          a. Surviving spouse until the surviving spouse receives health benefits from another  
11           source or reaches age sixty-five; and
- 12          b. Dependent child until the dependent child reaches age twenty-six or receives  
13           health benefits from another source.

14           **SECTION 3.** A new section to chapter 39-03.1 of the North Dakota Century Code is created  
15 and enacted as follows:

16           **Patrolmen who die in the line of duty - Health benefits.**

- 17          1. As used in this section:
- 18          a. "Dies in the line of duty" means a death occurring as a direct and proximate  
19           result of a personal injury sustained by a patrolman while engaged in a line of  
20           duty activity or which arose out of and as a result of the individual's performance  
21           of a line of duty activity.
- 22          b. "Health benefits" means hospital, prescription drug, and medical service benefits.  
23           The term may include dental and vision services benefits. The term does not  
24           include a policy of workforce safety and insurance, a long-term care insurance  
25           policy, a life insurance policy, or an annuity.
- 26          c. "Line of duty activity" means an employment-related action taken by a patrolman  
27           which is required or authorized by law, rule, regulation, or condition of  
28           employment and for which compensation is provided by the employing agency or  
29           would have been eligible to have been provided by the employing agency if the  
30           patrolman had been on duty at the time the action in question was taken.
- 31          d. "Patrolman" has the same meaning as "patrolmen" under section 39-03-01.

- 1       2. If the state provides health benefits for a patrolman at the time the patrolman dies in  
2       the line of duty, the state shall continue to provide the health benefits for the surviving  
3       spouse and dependent child who were covered under the benefits at the time of the  
4       death. The provision of health benefits under this section includes coverage of a child  
5       of the patrolman who was unborn at the time of the death.
- 6       3. The provision of health benefits under this section must continue for the:
- 7       a. Surviving spouse until the surviving spouse receives health benefits from another  
8       source or reaches age sixty-five; and
- 9       b. Dependent child until the dependent child reaches age twenty-six or receives  
10      health benefits from another source.

11      **SECTION 4.** A new section to chapter 40-20 of the North Dakota Century Code is created  
12 and enacted as follows:

13      **Dying in the line of duty - Health benefits.**

- 14      1. As used in this section:
- 15      a. "Correctional facility staff" has the same meaning as provided under section  
16      12-44.1-01.
- 17      b. "Dies in the line of duty" means a death occurring as a direct and proximate  
18      result of a personal injury sustained by an employee while engaged in a line of  
19      duty activity or which arose out of and as a result of the individual's performance  
20      of a line of duty activity.
- 21      c. "Employee" means correctional facility staff, a firefighter, or a peace officer  
22      employed by the governing body.
- 23      d. "Health benefits" means hospital, prescription drug, and medical service benefits.  
24      The term may include dental and vision services benefits. The term does not  
25      include a policy of workforce safety and insurance, a long-term care insurance  
26      policy, a life insurance policy, or an annuity.
- 27      e. "Line of duty activity" means an employment-related action taken by an employee  
28      which is required or authorized by law, rule, regulation, or condition of  
29      employment and for which compensation is provided by the employing agency or  
30      would have been eligible to have been provided by the employing agency if the  
31      employee had been on duty at the time the action in question was taken.

- 1           f. "Peace officer" has the same meaning as provided under section 12-63-01.
- 2           2. If a governing body provides health benefits for an employee at the time the employee  
3 dies in the line of duty, the governing body shall continue to provide the health benefits  
4 for the employee's surviving spouse and dependent child who were covered under the  
5 health benefits at the time of the death. The provision of health benefits under this  
6 section includes coverage of a child of the employee who was unborn at the time of  
7 the death.
- 8           3. The provision of health benefits under this section must continue for the:
- 9           a. Surviving spouse until the surviving spouse receives health benefits from another  
10 source or reaches age sixty-five; and
- 11           b. Dependent child until the dependent child reaches age twenty-six or receives  
12 health benefits from another source.

13           **SECTION 5.** A new section to chapter 54-23.3 of the North Dakota Century Code is created  
14 and enacted as follows:

15           **Correctional officers who die in the line of duty - Health benefits.**

- 16           1. As used in this section:
- 17           a. "Dies in the line of duty" means a death occurring as a direct and proximate  
18 result of a personal injury sustained by a correctional officer while engaged in a  
19 line of duty activity or which arose out of and as a result of the individual's  
20 performance of a line of duty activity.
- 21           b. "Health benefits" means hospital, prescription drug, and medical service benefits.  
22 The term may include dental and vision services benefits. The term does not  
23 include a policy of workforce safety and insurance, a long-term care insurance  
24 policy, a life insurance policy, or an annuity.
- 25           c. "Line of duty activity" means an employment-related action taken by a  
26 correctional officer which is required or authorized by law, rule, regulation, or  
27 condition of employment and for which compensation is provided by the  
28 employing agency or would have been eligible to have been provided by the  
29 employing agency if the correctional officer had been on duty at the time the  
30 action in question was taken.

- 1        2. If the state provides health benefits for a correctional officer at the time the correctional  
2        officer dies in the line of duty, the state shall continue to provide the health benefits for  
3        the correctional officer's surviving spouse and dependent child who were covered  
4        under the health benefits at the time of the death. The provision of health benefits  
5        under this section includes coverage of a child of the correctional officer who was  
6        unborn at the time of the death.
- 7        3. The provision of health benefits under this section must continue for the:
- 8        a. Surviving spouse until the surviving spouse receives health benefits from another  
9        source or reaches age sixty-five; and
- 10       b. Dependent child until the dependent child reaches age twenty-six or receives  
11       health benefits from another source.

12        **SECTION 6. RETROACTIVE APPLICATION.** This Act applies retroactively to an employee  
13        who died in the line of duty on or after January 1, 2010.