

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.~~ for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota
6 Century Code, relating to public employees retirement system health insurance benefits
7 coverage for emergency responders who die in the line of duty; and to provide for retroactive
8 application.

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

10 ~~— **SECTION 1.** A new section to chapter 11-10 of the North Dakota Century Code is created~~
11 ~~and enacted as follows:~~
12 ~~— **Dying in the line of duty - Health benefits.**~~
13 ~~— 1. As used in this section:~~
14 ~~— a. "Correctional facility staff" has the same meaning as provided under section~~
15 ~~12-44.1-01.~~
16 ~~— b. "Dies in the line of duty" means a death occurring as a direct and proximate~~
17 ~~result of a personal injury sustained by an employee engaged in a line of duty~~
18 ~~activity or which arose out of and as a result of the individual's performance of a~~
19 ~~line of duty activity.~~
20 ~~— c. "Employee" means correctional facility staff, a firefighter, or a peace officer~~
21 ~~employed by the county.~~
22 ~~— d. "Health benefits" means hospital, prescription drug, and medical service benefits.~~
23 ~~The term may include dental and vision services benefits. The term does not~~

1 ~~include a policy of workforce safety and insurance, a long-term care insurance-~~
2 ~~policy, a life insurance policy, or an annuity.~~

3 ~~e. "Line of duty activity" means an employment-related action taken by an employee-~~
4 ~~which is required or authorized by law, rule, regulation, or condition of~~
5 ~~employment and for which compensation is provided by the employing agency or~~
6 ~~would have been eligible to have been provided by the employing agency if the-~~
7 ~~employee had been on duty at the time the action in question was taken.~~

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

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

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

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

17 ~~b. Dependent child until the dependent child reaches age twenty-six or receives-~~
18 ~~health benefits from another source.~~

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

21 ~~**Peace officers who die in the line of duty – Health benefits.**~~

22 ~~1. As used in this section:~~

23 ~~a. "Dies in the line of duty" means a death occurring as a direct and proximate-~~
24 ~~result of a personal injury sustained by a peace officer while engaged in a line of~~
25 ~~duty activity or which arose out of and as a result of the individual's performance-~~
26 ~~of a line of duty activity.~~

27 ~~b. "Health benefits" means hospital, prescription drug, and medical service benefits.-~~
28 ~~The term may include dental and vision services benefits. The term does not~~
29 ~~include a policy of workforce safety and insurance, a long-term care insurance-~~
30 ~~policy, a life insurance policy, or an annuity.~~

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

6 ~~d. "Peace officer" has the same meaning as provided under section 12-63-01.~~

7 ~~2. If an institution of higher education under the control of the state board of higher~~
8 ~~education provides health benefits for an employee employed as a peace officer at the~~
9 ~~time the employee dies in the line of duty, the institution of higher education shall~~
10 ~~continue to provide the health benefits for the employee's surviving spouse and~~
11 ~~dependent child who were covered under the health benefits at the time of death. The~~
12 ~~provision of health benefits under this section includes coverage of a child of the~~
13 ~~employee who was unborn at the time of the death.~~

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

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

17 ~~b. Dependent child until the dependent child reaches age twenty-six or receives~~
18 ~~health benefits from another source.~~

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

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

22 ~~1. As used in this section:~~

23 ~~a. "Dies in the line of duty" means a death occurring as a direct and proximate~~
24 ~~result of a personal injury sustained by a patrolman while engaged in a line of~~
25 ~~duty activity or which arose out of and as a result of the individual's performance~~
26 ~~of a line of duty activity.~~

27 ~~b. "Health benefits" means hospital, prescription drug, and medical service benefits.~~
28 ~~The term may include dental and vision services benefits. The term does not~~
29 ~~include a policy of workforce safety and insurance, a long-term care insurance~~
30 ~~policy, a life insurance policy, or an annuity.~~

1 ~~c. "Line of duty activity" means an employment-related action taken by a patrolman~~
2 ~~which is required or authorized by law, rule, regulation, or condition of~~
3 ~~employment and for which compensation is provided by the employing agency or~~
4 ~~would have been eligible to have been provided by the employing agency if the~~
5 ~~patrolman had been on duty at the time the action in question was taken.~~

6 ~~d. "Patrolman" has the same meaning as "patrolmen" under section 39-03-01.~~

7 ~~2. If the state provides health benefits for a patrolman at the time the patrolman dies in~~
8 ~~the line of duty, the state shall continue to provide the health benefits for the surviving~~
9 ~~spouse and dependent child who were covered under the benefits at the time of the~~
10 ~~death. The provision of health benefits under this section includes coverage of a child~~
11 ~~of the patrolman who was unborn at the time of the death.~~

12 ~~3. The provision of health benefits under this section must continue for the:~~

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

15 ~~b. Dependent child until the dependent child reaches age twenty-six or receives~~
16 ~~health benefits from another source.~~

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

19 ~~**Dying in the line of duty -- Health benefits.**~~

20 ~~1. As used in this section:~~

21 ~~a. "Correctional facility staff" has the same meaning as provided under section~~
22 ~~12-44.1-01.~~

23 ~~b. "Dies in the line of duty" means a death occurring as a direct and proximate~~
24 ~~result of a personal injury sustained by an employee while engaged in a line of~~
25 ~~duty activity or which arose out of and as a result of the individual's performance~~
26 ~~of a line of duty activity.~~

27 ~~c. "Employee" means correctional facility staff, a firefighter, or a peace officer~~
28 ~~employed by the governing body.~~

29 ~~d. "Health benefits" means hospital, prescription drug, and medical service benefits.~~
30 ~~The term may include dental and vision services benefits. The term does not~~

~~include a policy of workforce safety and insurance, a long-term care insurance policy, a life insurance policy, or an annuity.~~

~~e. "Line of duty activity" means an employment-related action taken by an employee which is required or authorized by law, rule, regulation, or condition of employment and for which compensation is provided by the employing agency or would have been eligible to have been provided by the employing agency if the employee had been on duty at the time the action in question was taken.~~

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

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

~~3. The provision of health benefits under this section must continue for the:~~

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

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

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

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

~~1. As used in this section:~~

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

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

1 ~~c. "Line of duty activity" means an employment-related action taken by a~~
2 ~~correctional officer which is required or authorized by law, rule, regulation, or~~
3 ~~condition of employment and for which compensation is provided by the~~
4 ~~employing agency or would have been eligible to have been provided by the~~
5 ~~employing agency if the correctional officer had been on duty at the time the~~
6 ~~action in question was taken.~~

7 ~~2. If the state provides health benefits for a correctional officer at the time the correctional~~
8 ~~officer dies in the line of duty, the state shall continue to provide the health benefits for~~
9 ~~the correctional officer's surviving spouse and dependent child who were covered~~
10 ~~under the health benefits at the time of the death. The provision of health benefits~~
11 ~~under this section includes coverage of a child of the correctional officer who was~~
12 ~~unborn at the time of the death.~~

13 ~~3. The provision of health benefits under this section must continue for the:~~

14 ~~a. Surviving spouse until the surviving spouse receives health benefits from another~~
15 ~~source or reaches age sixty five; and~~

16 ~~b. Dependent child until the dependent child reaches age twenty six or receives~~
17 ~~health benefits from another source.~~

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

20 **SECTION 1.** A new section to chapter 54-52.1 of the North Dakota Century Code is created
21 and enacted as follows:

22 **Emergency responders who die in the line of duty - Health benefits.**

23 1. As used in this section:

24 a. "Correctional facility staff" has the same meaning as provided under section
25 12-44.1-01.

26 b. "Dies in the line of duty" means a death occurring as a direct and proximate
27 result of a personal injury sustained by an emergency responder while engaged
28 in a line of duty activity or which arose out of and as a result of the individual's
29 performance of a line of duty activity.

30 c. "Emergency responder" means a peace officer, member of a correctional facility
31 staff, emergency medical services personnel, or firefighter, who is employed by

1 the state, a political subdivision of the state, or an institution under the control of
2 the state board of higher education. The term does not include a national guard
3 security officer or national guard firefighter.

4 d. "Line of duty activity" means an employment-related action taken by an
5 emergency responder which is required or authorized by law, rule, regulation, or
6 condition of employment and for which compensation is provided by the
7 employing entity or would have been eligible to have been provided by the
8 employing entity if the emergency responder had been on duty at the time the
9 action in question was taken.

10 e. "Peace officer" has the same meaning as provided under section 12-63-01. The
11 term includes a game warden.

12 2. At no charge, the board shall offer health insurance benefits coverage, including drug
13 benefits coverage, to the surviving spouse and dependent child of an emergency
14 responder who dies in the line of duty. The provision of health insurance benefits
15 coverage under this section includes coverage of a child of the emergency responder
16 who is born within ten months of the date of the death.

17 3. The provision of health insurance benefits coverage under this section must continue
18 for the:

19 a. Surviving spouse until the surviving spouse reaches age sixty-five; and

20 b. Dependent child until the dependent child reaches age twenty-six.

21 4. An employer shall notify the board of the qualifying event of an emergency responder
22 dying in the line of duty.

23 5. This section does not affect eligibility for benefits under title 65.

24 **SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to the qualifying
25 event of an emergency responder dying in the line of duty on or after January 1, 2010; however,
26 the benefits under this Act do not begin before August 1, 2021.