FIRST ENGROSSMENT

Sixty-seventh Legislative Assembly of North Dakota

ENGROSSED 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 54-52.1 of the North Dakota
- 2 Century Code, relating to public employees retirement system health insurance benefits
- 3 coverage for emergency responders who die in the line of duty; and to provide for retroactive
- 4 application.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

9 <u>1.</u>	As used in this section:
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- 10 <u>a.</u> <u>"Correctional facility staff" has the same meaning as provided under section</u>
 11 12-44.1-01.
- b. "Dies in the line of duty" means a death occurring as a direct and proximate
 result of a personal injury sustained by an emergency responder 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.
- 16 c. "Emergency responder" means a peace officer, member of a correctional facility
 17 staff, emergency medical services personnel, or firefighter, who is employed by
 18 the state, a political subdivision of the state, or an institution under the control of
 19 the state board of higher education. The term does not include a national guard
 20 security officer or national guard firefighter.
- 21d."Line of duty activity" means an employment-related action taken by an22emergency responder which is required or authorized by law, rule, regulation, or23condition of employment and for which compensation is provided by the
- 24 employing entity or would have been eligible to have been provided by the

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1			employing entity if the emergency responder had been on duty at the time the
2			action in question was taken.
3		<u>e.</u>	"Peace officer" has the same meaning as provided under section 12-63-01. The
4			term includes a game warden.
5	<u>2.</u>	At no charge, the board shall offer health insurance benefits coverage, including drug	
6		benefits coverage, to the surviving spouse and dependent child of an emergency	
7		responder who dies in the line of duty. The provision of health insurance benefits	
8		<u>COV</u>	erage under this section includes coverage of a child of the emergency responder
9		<u>who</u>	o is born within ten months of the date of the death.
10	<u>3.</u>	The provision of health insurance benefits coverage under this section must continue	
11		for the:	
12		<u>a.</u>	Surviving spouse until the surviving spouse reaches age sixty-five; and
13		<u>b.</u>	Dependent child until the dependent child reaches age twenty-six.
14	<u>4.</u>	<u>An</u>	employer shall notify the board of the qualifying event of an emergency responder
15		<u>dyir</u>	ng in the line of duty.
16	<u>5.</u>	<u>Thi</u>	s section does not affect eligibility for benefits under title 65.
17	7 SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to the qualifying		
18	8 event of an emergency responder dying in the line of duty on or after January 1, 2010; however,		
19	19 the benefits under this Act do not begin before August 1, 2021.		