



NORTH DAKOTA HOUSE OF REPRESENTATIVES

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Chairman Dockter and Members of the House Committee on Political Subdivisions:

I write in **support** of HB 1435, which allows continuing health insurance coverage for the surviving spouse and dependent children of any police officer, firefighter, or corrections officer killed in the line of duty. I urge the Committee to recommend a **DO PASS**, but I pray the bill will *never* be needed again in North Dakota.

On May 27, 2020, our state—and my Grand Forks community specifically—suffered an immense loss when Officer Cody Holte was killed in the line of duty. As the members of the Legislative Assembly know well, Officer Holte represents the best our state has to offer, a true hero. Not only did he serve with distinction as an officer in the Grand Forks Police Department, but he was also a First Lieutenant in the North Dakota National Guard. Governor Burgum beautifully captured Officer Holte's bravery and courage in his heartfelt tribute to him during the State of the State Address.

Officer Holte, though, is not unique among the brave men and women who volunteer for careers that require them to run towards danger for our safety and protection. We remember also Officer Jason Moszer of Fargo, whose end of watch was February 11, 2016. Indeed North Dakota is blessed with countless police officers, firefighters, and corrections officers who know the duties of their job require, when necessary, that they place themselves in harm's way. And try as we might, there are no laws we can pass to eliminate entirely the risk these heroes face on the job.

But what we can do is to make sure we take care of surviving spouses and children of our fallen heroes when tragedy does strike. That's the intention of HB 1435, which provides an additional layer of protection to the families of fallen police officers, firefighters, and corrections officers killed in the line of duty. In that tragic event, HB 1435 would allow the surviving spouse and dependent children to remain on the deceased's health insurance going forward. It likewise extends retroactively to cover any families who lost loved ones in the line of duty since the start of 2010. If the bill were passed, North Dakota would join 17 other states who currently offer similar protection, including Alabama, Arizona, Minnesota, Utah, and Texas.

I believe it is time for North Dakota to join this list of states, recognizing that we owe the families of fallen heroes both a debt of gratitude and actual, tangible protections that help them through what surely would be the darkest times imaginable for any family. Amidst such darkness, one can hardly fathom how difficult it would be to concentrate on the tedious task of acquiring replacement health insurance coverage while still overcome with grief. This bill would take one small burden off a family's plate in its hour of need.

Let me briefly discuss the details of the bill.

First, it extends the protections I've discussed to all law enforcement officers, corrections officers, and firefighters who already receive employer-provided benefits regardless of which governmental entity is acting as

employer. That’s why the bill includes separate sections for Titles 11-10 (county employees, like sheriff’s deputies), 15-10 (campus police), 39-03.1 (Highway Patrol), 40-20 (municipal police and fire), and 54-23.3 (DOCR corrections officers). If the Committee is aware of any potential gaps in these enumerated sections, I would welcome an amendment to address that issue.

Second, the bill attempts to define “line of duty death” (*see, e.g.*, page 1, line 13) to include such deaths that are direct and proximate results of a line of duty activity. My intent is for the definition to apply to discrete, tragic occurrences. Again, I welcome any amendments to better clarify that intent in the definition, if necessary.

Third, the bill defines “health benefits” broadly to include any applicable health, prescription drug, medical service, dental, or vision benefit which the deceased had in place at the time of his or her death. The bill does not contemplate extending any new coverage in that regard, nor does it apply if the deceased did not have (or was not eligible for) health benefits through his or her employer. In other words, this bill does not invite qualifying beneficiaries to increase their coverage just on account of this proposal.

Fourth, my intention is that the surviving beneficiaries would not have to pay any out-of-pocket premiums for continuing coverage. For some recipients, this may be a more generous benefit than the employee received, and I invite the Committee to debate whether that is the appropriate policy (indeed other states that have enacted bills like this vary in whether they cover premiums or not). Regardless of resolution of that detail, the bill contemplates that the surviving beneficiaries would still be responsible for any deductibles, co-pays, and the like.

Fifth, the bill provides for ongoing coverage until one of three contingencies occurs: 1) a surviving spouse reaches age 65 (thus becoming eligible for Medicare), 2) a dependent child reaches age 26 (thus aging out of dependent coverage), or 3) either type of beneficiary receives coverage from an alternate source (other employer-based coverage, government-provided coverage, marriage-based coverage, etc.). The bill originally included cessation of coverage upon a spouse’s remarriage, but members of the Employee Benefits Program Committee viewed this as potentially disincentivizing marriage (I will note, though, that most other states with similar laws include the remarriage provision). Likewise, that Committee encouraged the bill to provide retroactive application to at least those families impacted in the recent past, and the draft before you reflects that.

Sixth and finally, the bill contemplates that the original employing entity would bear the cost of any ongoing coverage under this proposal. My goal is to maintain the status quo in terms of insurance coverage for surviving spouses and dependents rather than transitioning the family to some alternative insurance policy. Thus, under that view, a county, city, university, or the state would be required to keep the beneficiaries under the same insurance policy as before the qualifying event and would be responsible for any costs to do so. This, again, is another detail in the bill worthy of close deliberation to determine how best to finance this plan. While the costs are likely to be small, I am sure our political subdivisions would welcome certainty as to this important point, just as I welcome their input to ensure they are not faced with an unsustainable cost burden. I am confident that we can reach a solution that works for all stakeholders.

That confidence is based, in part, on my strong hope that the need to provide ongoing insurance coverage for fallen heroes will arise only with exceeding infrequency. According to the Officer Down Memorial Page, North Dakota has experienced 58 line of duty police and corrections officer deaths dating back nearly 140 years to 1882. By my count, half of these deaths occurred before 1950, with 10 occurring in my lifetime (*i.e.*, since 1985). Likewise, the North Dakota Fire Memorial honors 20 line of duty deaths among firefighters since 1907, with 6 such deaths occurring in my lifetime. While each of these statistics represents a unique tragedy, we can take some solace in the fact that line of duty deaths happen only rarely in North Dakota. Thus, my expectation is that HB 1435 would not impose a substantial financial burden on the State or any political subdivision.

That was also the conclusion of the actuarial review of my bill when it came before the Employee Benefits Programs Committee to consider any impact on NDPERS. That review found that “the additional cost for survivor coverage will most likely be minimal.” I am grateful that, based on this review, the Employee Benefits Programs Committee unanimously supported the bill with a favorable recommendation, just as I am grateful to be joined on this bill by a bipartisan group of lawmakers from both chambers. I especially thank my fellow Grand Forks lawmakers, including Senator Meyer and Representative O’Brien, for the work they have done to help bring this proposal forward this session.

In sum, Mr. Chairman and members of the Committee, HB 1435 represents a statement of North Dakota values: that those who pursue careers in law enforcement and public safety should be honored as the heroes they are; that those who willingly put themselves in harm’s way to keep us safe deserve our gratitude and our support; and that when someone pays the ultimate price in service to our state, we should make sure we support the family they leave behind. For these reasons, I urge the Committee to recommend **DO PASS** on HB 1435, and I stand ready for your questions.