

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.