

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2183

Introduced by

Senators Klein, Dever, Erbele, Flakoll

Representatives Damschen, Haas

1 A BILL for an Act to create and enact chapter 18-05.1 of the North Dakota Century Code,
2 relating to establishing a firefighters death benefit fund; to amend and reenact subsection 1 of
3 section 26.1-03-17 of the North Dakota Century Code, relating to establishing a firefighters
4 death benefit fund; and to provide an appropriation.

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

6 **SECTION 1.** Chapter 18-05.1 of the North Dakota Century Code is created and
7 enacted as follows:

8 **18-05.1-01. Firefighters death benefit fund.** The firefighters death benefit fund is a
9 special fund in the state treasury. The revenue provided in section 26.1-03-17 must be
10 deposited in the fund for disbursement as provided in this chapter, subject to legislative
11 appropriation. The insurance commissioner shall administer the fund.

12 **18-05.1-02. Payments from firefighters death benefit fund.** The governing body of a
13 municipality having a paid fire department or the governing body of a city or rural fire protection
14 district having no paid fire department may request that the insurance commissioner pay ten
15 thousand dollars from the firefighters death benefit fund to the estate of a firefighter who dies
16 while responding to, during, or within forty-eight hours after a fire emergency. The insurance
17 commissioner shall pay ten thousand dollars to the deceased firefighter's estate upon receipt of
18 the request for payment and upon receipt of evidence that the death occurred while responding
19 to, during, or within forty-eight hours after a fire emergency.

20 **18-05.1-03. Definition.** For purposes of this chapter, firefighter means an individual
21 who is a member of a paid or volunteer fire department that is a part of or is administered by
22 this state, any political subdivision of this state, or a rural fire protection district.

23 **SECTION 2. AMENDMENT.** Subsection 1 of section 26.1-03-17 of the North Dakota
24 Century Code is amended and reenacted as follows:

1 1. Before issuing the annual certificate required by law, the commissioner shall collect
2 from every stock and mutual insurance company, nonprofit health service
3 corporation, health maintenance organization, and prepaid legal service
4 organization, except fraternal benefit and benevolent societies, doing business in
5 this state, a tax on the gross amount of premiums, assessments, membership fees,
6 subscriber fees, policy fees, service fees collected by any third-party administrator
7 providing administrative services to a group that is self-insured for health care
8 benefits, and finance and service charges received in this state during the
9 preceding calendar year, at the rate of two percent with respect to life insurance,
10 one and three-fourths percent with respect to accident and health insurance, and
11 one and three-fourths percent with respect to all other lines of insurance. This tax
12 does not apply to considerations for annuities. The total tax is payable on or
13 before March first following the year for which the tax is assessable. Collections
14 from this tax, except for collections deposited in the firefighters death benefit fund,
15 must be deposited in the insurance tax distribution fund under section 18-04-04.1
16 but not in an amount exceeding one-half of the biennial amount appropriated for
17 distribution under section 18-04-05 in any fiscal year. Collections from this tax in
18 an amount appropriated by the legislative assembly for distribution under chapter
19 18-05.1 must be deposited in the firefighters death benefit fund. Collections from
20 this tax exceeding the sum of the amount deposited in the insurance tax
21 distribution fund and the amount deposited in the firefighters death benefit fund
22 each fiscal year must be deposited in the general fund in the state treasury. If the
23 due date falls on a Saturday or legal holiday, the tax is payable on the next
24 succeeding business day.

25 **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the
26 firefighters death benefit fund in the state treasury, not otherwise appropriated, the sum of
27 \$50,000, or so much of the sum as may be necessary, to the insurance commissioner for the
28 purpose of making payments from the firefighters death benefit fund, for the biennium beginning
29 July 1, 2007, and ending June 30, 2009.