

April 29, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

That the Senate recede from the Senate amendments as printed on pages _____ of the House Journal and pages _____ of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

Page 1, line 3, after "sections" insert "18-05.1-01, 18-05.1-02, 18-05.1-03," and after "54-21-24" insert a comma

Page 1, line 4, after "to" insert "payments from the firefighters death benefit fund and"

Page 6, after line 7, insert:

"SECTION 16. AMENDMENT. Section 18-05.1-01 of the North Dakota Century Code is amended and reenacted as follows:

18-05.1-01. ~~Firefighters death benefit fund~~ Payments to deceased firefighter's survivor. The firefighters death benefit fund is a special fund in the state treasury. The revenue provided in section 26.1-03-17 must be deposited in the fund and is appropriated on a continuing basis to the insurance commissioner for disbursement as provided in this chapter. The insurance commissioner shall administer the fund.

SECTION 17. AMENDMENT. Section 18-05.1-02 of the North Dakota Century Code is amended and reenacted as follows:

18-05.1-02. Payments from firefighters death benefit fund. ~~The governing body of a municipality having a paid fire department or the governing body of a city or rural fire protection district having no paid fire department may request that the insurance commissioner pay ten thousand dollars from the firefighters death benefit fund to the estate of a firefighter who dies from an injury sustained while responding to, during, or within forty eight hours after a fire emergency or training activity. The insurance commissioner shall pay ten thousand dollars to the a deceased firefighter's estate survivor upon receipt of the a request from the fire chief or the fire chief's designee of a city fire department, rural fire department, or rural fire protection district for payment and upon receipt of evidence that the of a line of duty death occurred from an injury sustained while responding to, during, or within forty eight hours after a fire emergency.~~

SECTION 18. AMENDMENT. Section 18-05.1-03 of the North Dakota Century Code is amended and reenacted as follows:

18-05.1-03. ~~Definition~~ Definitions. For purposes of this chapter, ~~firefighter:~~

1. "Firefighter" means an individual who is a member of a paid or volunteer fire department that is a part of or is administered by this state, any political subdivision of this state, or a rural fire protection district.
2. "Line of duty death" means a death that was due to an injury sustained while performing firefighter duties if the death occurred within forty-eight hours of participating in an emergency response or training event. Death

from a heart attack or stroke is deemed to be a line of duty death if it occurs within forty-eight hours of an emergency response or training event.

3. "Survivor" means the spouse of a deceased firefighter who died in the line of duty. If there is no spouse, the term means the individual designated in writing by the deceased firefighter as beneficiary of the Public Safety Officers' Benefit Act [42 U.S.C. 3796 et seq.] death benefit or if no beneficiary is designated, the deceased firefighter's estate."

Renumber accordingly