

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2308

Introduced by

Senators Klein, Dever, Flakoll

Representatives Amerman, Brandenburg, Froseth

1 A BILL for an Act to amend and reenact sections 18-05.1-02 and 18-05.1-03 of the North
2 Dakota Century Code, relating to payments to a deceased firefighter's survivor.

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

4 **SECTION 1. AMENDMENT.** Section 18-05.1-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **18-05.1-02. Payments from firefighters death benefit fund to deceased**
7 **firefighter's survivor.** ~~The governing body of a municipality having a paid fire department or~~
8 ~~the governing body of a city or rural fire protection district having no paid fire department may~~
9 ~~request that the insurance commissioner pay ten thousand dollars from the firefighters death~~
10 ~~benefit fund to the estate of a firefighter who dies from an injury sustained while responding to,~~
11 ~~during, or within forty eight hours after a fire emergency or training activity. The insurance~~
12 ~~commissioner shall pay ten thousand dollars to the deceased firefighter's estate upon receipt of~~
13 ~~the request for payment and upon receipt of evidence that the death occurred from an injury~~
14 ~~sustained while responding to, during, or within forty eight hours after a fire emergency. The~~
15 insurance commissioner shall pay ten thousand dollars to a deceased firefighter's survivor upon
16 receipt of a request for payment from the governing body of a municipality having a paid fire
17 department or the governing body of a city or rural fire protection district that does not have a
18 paid fire department. The payment must be made upon receipt of evidence that the firefighter's
19 death occurred from an injury sustained responding to an emergency response or training
20 event or during an emergency response or training event. Death by heart attack or stroke, if
21 death occurs within forty-eight hours of an emergency response or training event, is deemed to
22 be an injury caused while acting in the line of the deceased firefighter's duty.

23 **SECTION 2. AMENDMENT.** Section 18-05.1-03 of the North Dakota Century Code is
24 amended and reenacted as follows:

- 1 **18-05.1-03. ~~Definition~~ Definitions.** For purposes of this chapter, ~~firefighter~~:
- 2 1. "Firefighter" means an individual who is member of a paid or volunteer fire
- 3 department that is a part of or is administered by this state, any political
- 4 subdivision of this state, ~~or~~ a rural fire protection district, ~~or rural fire department~~.
- 5 2. "Survivor" means the spouse of the deceased firefighter. If there is no spouse, the
- 6 term means the individual designated in writing by the deceased firefighter as
- 7 beneficiary of the Public Safety Officers' Benefit Act [42 U.S.C. 3796 et seq.] ~~death~~
- 8 benefit or if no beneficiary is designated, the deceased firefighter's estate.