

HOUSE BILL NO. 1295

Introduced by

Representatives Kretschmar, Brandenburg

Senator Erbele

1 A BILL for an Act to create and enact a new subsection to section 26.1-01-03 of the North
2 Dakota Century Code, relating to duties of the insurance commissioner; and to amend and
3 reenact sections 18-04-07 and 18-05-04 of the North Dakota Century Code, relating to use of
4 the insurance premium tax to fund disability and life insurance for volunteer firefighters.

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

6 **SECTION 1. AMENDMENT.** Section 18-04-07 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **18-04-07. Disbursement of fund by city auditor.** Moneys received by the city auditor
9 under the provisions of this chapter must be disbursed as follows:

- 10 1. In a city having a paid fire department, the money must be placed in a fund to be
11 disbursed by the governing body of the municipality in maintaining the fire
12 department. If the municipality has a duly organized and incorporated firefighters
13 relief association, the money must be disbursed in accordance with section
14 18-05-04.
- 15 2. In a city or rural fire protection district having no paid fire department, the money
16 must be paid over to the treasurer of the fire department, or to the treasurer of
17 each separately organized fire company that satisfies the requirements of section
18 18-04-01 in equal proportions when there is more than one in the municipality or
19 rural fire protection district, upon the written order of the department or companies
20 approved by the governing body of the municipality or rural fire protection district.
21 A portion of the funds received under this section may be used by the city or rural
22 fire protection district to provide disability and life insurance benefits in the amount
23 of fifty thousand dollars per individual for volunteer firefighters as defined in
24 subsection 3. The insurance commissioner shall advise and assist city and rural

1 fire protection districts in obtaining disability and life insurance policies for its
2 volunteer firefighters under this section. If the municipality or rural fire protection
3 district has a duly organized and incorporated firefighters relief association, the
4 amount must be disbursed in accordance with section 18-05-04.

5 3. For the purpose of this section, a nonpaid or volunteer fire department is any
6 department in which less than fifty percent of the personnel of the department are
7 full-time regularly salaried firefighters. A volunteer firefighter is a firefighter who
8 does not receive a regular monthly salary though the firefighter may receive
9 compensation for each fire call the firefighter responds to.

10 **SECTION 2. AMENDMENT.** Section 18-05-04 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **18-05-04. Apportioning insurance tax received by city or rural fire protection**
13 **district.** The city auditor in a city or the treasurer of a rural fire protection district with a fire
14 department and a firefighters relief association shall apportion the amount received under
15 section 18-04-05, so one-half of the amount is placed in a fund to be disbursed by the city's or
16 rural fire protection district's governing body in maintaining the fire department and one-half is
17 paid to the treasurer of the firefighters relief association. The city's governing body may direct
18 the city auditor or the rural fire protection district's board of directors may direct the treasurer to
19 use a portion of the funds disbursed by the city's or rural fire protection district's governing body
20 for maintaining the fire department to purchase disability and life insurance policies as provided
21 in section 1 of this Act. Except, the city's governing body may direct the city auditor or the rural
22 fire protection district's board of directors may direct the treasurer to pay all or any portion of the
23 one-half of the amount received which would otherwise be disbursed in maintaining the fire
24 department to the treasurer of the firefighters relief association if its financial condition makes
25 the disposition necessary or advisable.

26 **SECTION 3.** A new subsection to section 26.1-01-03 of the North Dakota Century Code
27 is created and enacted as follows:

28 Advise and assist cities and rural fire protection districts to obtain disability and life
29 insurance benefits for their volunteer firefighters as provided in section 1 of this
30 Act.