

Introduced by

Government and Veterans Affairs Committee

(At the request of the Adjutant General)

1 A BILL for an Act to create and enact chapter 65-06.3 of the North Dakota Century Code,
2 relating to volunteers providing initial emergency assistance when responding to a disaster or
3 an emergency situation; and to provide an appropriation.

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

5 **SECTION 1.** Chapter 65-06.3 of the North Dakota Century Code is created and enacted as
6 follows:

7 **65-06.3-01. Definitions.**

8 As used in this chapter, unless the context otherwise requires:

9 1. "Civilian volunteer" means a person who is a North Dakota resident that initiates an
10 immediate and impromptu response for the purpose of saving lives and protecting
11 property during the initial hours and at the location of a disaster or an emergency.
12 Impromptu responders do not include civilian volunteers responding to predictive
13 disasters or emergencies.

14 2. "Disaster or emergency" means circumstances that exceed local capability and is
15 formally declared by a political subdivision or the state.

16 **65-06.3-02. Fund for civilian volunteer coverage.**

17 A separate fund will be established and funded to compensate injured civilian volunteers.
18 Funding will be maintained through yearly payments paid by the office of the adjutant general.
19 Whenever there are claims against this fund, which exceed the amount of premiums paid to the
20 fund, the excess claim amount shall be paid by the state. Workforce safety and insurance will
21 administer the benefits under its authority set forth in this title.

22 **65-06.3-03. Workers' compensation coverage of civilian volunteers.**

1 Civilian volunteers under this chapter are deemed volunteers of the jurisdiction that
2 experienced the declared disaster or emergency and are eligible for coverage as set forth in this
3 chapter when acting in a civilian volunteer capacity.

4 **65-06.3-04. Benefits for civilian volunteers.**

5 The basis for compensation and benefits for civilian volunteers under this chapter includes
6 the wage loss and medical benefits as contemplated within this title. However, neither may
7 extend longer than two years.

8 **65-06.3-05. Processing of claims for civilian volunteers.**

9 Claims under this chapter must be filed and processed pursuant to this title and:

10 1. The injury occurs within the first seventy-two hours after the disaster or emergency
11 occurs and prior to a formal volunteer registration process put into place by the
12 declared jurisdiction;

13 2. The volunteer files a claim within thirty days of the date of injury, if incapacitated the
14 volunteer or the volunteer's legal guardian has a sixty-day period from the injury date
15 to file a claim; and

16 3. The volunteer or guardian provides at least one witness statement in the form of an
17 affidavit substantiating the injury.

18 **65-06.3-06. Assessment of premiums.**

19 For the purpose of assessing premiums charged to a political subdivision on behalf of a
20 fund for the coverage of civilian volunteers, the organization shall create a survey to ascertain
21 the probable annual expenditure necessary to be paid out of the fund to carry out the provisions
22 of this chapter. The organization shall fix the disaster or emergency premium assessment based
23 on the estimates of civilian volunteers within the first seventy-two hours of the disaster or
24 emergency. In determining the premium assessed, the organization may apply the system of
25 experience rating provided under this title, as applied to other risks. The organization may also
26 establish a minimum assessment applicable to political subdivisions where the fixed assessed
27 rate multiplied by the number of hundreds of the population would equal less than the amount of
28 the minimum assessment. The population of a political subdivision shall be determined by the
29 latest official state or federal government census, whichever is the most recent.

30 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general
31 fund in the state treasury, not otherwise appropriated, the sum of \$35,000, or so much of the

Sixty-second
Legislative Assembly

- 1 sum as may be necessary, to the adjutant general for the purpose of paying premiums or claims
- 2 under chapter 65-06.3, for the biennium beginning July 1, 2011, and ending June 30, 2013.