

CHAPTER 65-06 VOLUNTEER FIREMEN

65-06-01. Volunteer firefighter, emergency or disaster volunteer, community emergency response team member, in training defined.

The term "volunteer firefighter" means any active member of an organized volunteer fire department of this state and any other individual performing services as a volunteer firefighter for a municipality at the request of the chief or other individual in command of the fire department of that municipality or of any other officer of that municipality having authority to demand service as a firefighter. Firefighters who are paid a regular wage or stipend by the municipality for serving as a firefighter, or whose entire time is devoted to service as a firefighter for the municipality, for the purpose of this chapter, are not volunteer firefighters.

The term "emergency or disaster volunteer" means any individual serving without remuneration who is actively engaged in training to qualify as a disaster emergency worker or is responding to a hazard, emergency disaster, or enemy attack on this country, and who is registered with the disaster emergency organization of a municipality, which has been officially recognized by the director of the state division of homeland security.

The term "in training" means only those periods of time, during which an emergency or disaster volunteer is receiving instruction, or is engaged in exercises or operations, in preparation for qualification as a disaster emergency worker in the event of a hazard, emergency, disaster, or enemy attack on this country.

The term "community emergency response team member" means an individual registered as a community emergency response team member with the appropriate authority. For purposes of this chapter, a community emergency response team member is acting as a community emergency response team member only when the individual is receiving approved community emergency response team training or is acting as a member of a community emergency response team in an emergency or disaster.

Upon request of the organization, the disaster emergency organization of a municipality shall provide the organization with its roster of registered community emergency response team members.

The term "municipality" when used in reference to emergency or disaster volunteer means the state, cities, counties, municipalities, districts, or any other geographical entity of this state. This definition is not in any way intended to alter any interpretation or ruling in regard to the use of the term municipality when used in reference to volunteer firefighters.

65-06-02. Volunteer firefighter, emergency or disaster volunteer, and community emergency response team member declared employees - Covered by workforce safety and insurance - Termination.

Volunteer firefighters, emergency or disaster volunteers, and community emergency response team members are employees of the municipalities which they serve and are entitled to the same protection and rights under the provisions of this title as are full-time paid employees of those municipalities.

65-06-02.1. Uniform Emergency Volunteer Health Practitioners Act - Health practitioners.

A volunteer health practitioner under subsection 2 of section 37-17.4-11 is eligible for benefits as provided under this chapter.

65-06-03. Compensation benefits - How determined.

The basis of compensation and benefits to be paid to a volunteer firefighter, an emergency or disaster volunteer, volunteer health practitioner, or a community emergency response team member under the terms of this chapter shall be determined in accordance with the provisions of section 65-05-09; provided, however, that the average weekly wage of the claimant shall be determined from a computation of income derived from the claimant's business or employment for which coverage is required or otherwise secured at the date of first disability.

65-06-04. Assessment of premiums.

For the purpose of making assessments of premiums to be charged against municipalities for protection of volunteer firefighters, emergency or disaster volunteers, volunteer health practitioners, and community emergency response team members, the organization shall make such survey as may seem advisable to ascertain the probable annual expenditures necessary to be paid out of the fund to carry out this chapter, and shall fix the annual charges and assessments which must be made against municipalities employing volunteer firefighters, emergency or disaster volunteers, volunteer health practitioners, and community emergency response team members. The charge must be a fixed sum for each one hundred of the population of the municipality involved and uniform as to all such involved municipalities but in proportion to the population of the municipality. In determining the amount of premium charge, the organization may apply the system of experience rating provided in this title, as applied to other risks. The organization may establish a minimum charge or assessment to be applicable to any municipality for which the fixed rate or charge multiplied by the number of hundreds of the population of the municipality would amount to less than the amount of the minimum charge or assessment. The population of a municipality shall be that shown by the latest official North Dakota state or United States government census, whichever may be the later.

65-06-05. Reimbursement by state for liability in excess of premiums collected.

Whenever liability on claims against the fund credited to the classification of emergency or disaster volunteers and trainees or volunteer health practitioners as defined under chapter 37-17.4 exceeds the amount of premiums paid into the fund, such excess liabilities are a general obligation of the state of North Dakota and must be reimbursed to the organization for credit to the workforce safety and insurance fund by legislative appropriation.