

N.D.A.G. Letter to Duppler (July 23, 1990)

July 23, 1990

Mr. Alan Duppler
Mercer County State's Attorney
Stanton ND 58571

Dear Mr. Duppler:

Thank you for you June 29, 1990, letter inquiring as to the scope of the term "volunteer fireman" as used in N.D.C.C. ch. 65-06.

The term "volunteer fireman" is defined by N.D.C.C. § 65-06-01 to refer to an active member of an organized volunteer fire department of this state and any other person performing services as a volunteer fireman for a municipality at the request of someone in command of a fire department. Your letter asks whether persons performing rescue operations sponsored by the volunteer fire department are considered volunteer fireman for purposes of N.D.C.C. ch. 65-06.

There are two parts to the definition of volunteer fireman provided by N.D.C.C. § 65-06-01. The first part refers to persons who are active members of an organized volunteer fire department of this state. If the person described in your letter is indeed an active member of an organized volunteer fire department of this state, they satisfy the definition of "volunteer fireman". If they are not active members of such a department, they must satisfy the second part of the definition which involves the performance of services as a volunteer fireman for a municipality at the request of some person in command of that city's fire department.

From your letter and attachments, it appears that your request for an opinion is prompted by an inquiry from an organized fire department. Based on upon the definition of the term "volunteer fireman" as provided for by N.D.C.C. § 65-06-01, all active members of an organized volunteer fire department are included. This conclusion applies despite the fact that the individual may be performing search and rescue services not directly related to the fighting of a fire.

I hope this discussion and information is helpful to you and the members of the Hazen volunteer fire department.

Sincerely,

Nicholas J. Spaeth

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