

FIRES

CHAPTER 210

HOUSE BILL NO. 1323

(Representatives Disrud, Maragos, Mueller)
(Senators Heitkamp, Krebsbach)

FIREFIGHTER'S ASSOCIATION

AN ACT to provide for legislative council correction of references by the fifty-seventh legislative assembly to the North Dakota firemen's association; and to amend and reenact sections 18-03-01, 18-03-02, 18-03-03, 18-03-04, 18-03-05, 18-03-06, 18-03-07, 18-03-08, 18-04-01, 18-04-08, 18-10-16, and 26.1-01-07.5 of the North Dakota Century Code, relating to the North Dakota firefighter's association.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-03-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-03-01. North Dakota firemen's firefighter's association - How constituted. The North Dakota ~~firemen's~~ firefighter's association consists of the various organized fire departments and fire protection districts within this state, and each fire department, fire protection district, and firefighter within the state is entitled to membership in the association upon compliance with the constitution and bylaws of the association.

SECTION 2. AMENDMENT. Section 18-03-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-03-02. Fire schools. Fire schools must be held annually under the direction of the North Dakota ~~firemen's~~ firefighter's association. The schools must be held at such times and in such places in North Dakota as may be designated by the North Dakota ~~firemen's~~ firefighter's association executive board. Fire schools may be held by teleconference, video, or other alternative media.

SECTION 3. AMENDMENT. Section 18-03-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-03-03. Association to report to office of management and budget time and place of school and name of treasurer. The North Dakota ~~firemen's~~ firefighter's association shall submit to the office of management and budget an annual report of all fire schools held in the state. The association also shall furnish to the office of management and budget the name and address of the treasurer of the association.

SECTION 4. AMENDMENT. Section 18-03-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-03-04. Association to furnish bond. The North Dakota ~~firemen's~~ firefighter's association shall file with the director of the office of management and budget a bond in the penal sum of two thousand dollars conditioned for the faithful disposition of the funds appropriated by the legislative assembly for the use of the association in conducting fire schools.

SECTION 5. AMENDMENT. Section 18-03-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-03-05. Statement of desired appropriation submitted to office of the budget. Not later than July first of each year next preceding a regular session of the legislative assembly, the director of the budget shall send to the North Dakota ~~firemen's~~ firefighter's association a suitable blank form to be filled out with an itemized statement of the amount of money necessary to promote the efficiency and growth of the different fire departments and fire protection districts of the association and to conduct the fire schools to be held during the succeeding biennium under the direction of the association. The association shall return the blanks properly filled out as provided in section 54-44.1-04.

SECTION 6. AMENDMENT. Section 18-03-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-03-06. Director of the budget to prepare estimate for firemen's firefighter's association. The director of the budget shall include, with its estimates, an estimate of the amounts necessary to be appropriated to promote the efficiency and growth of the different fire departments and fire protection districts of the association and to conduct fire schools.

SECTION 7. AMENDMENT. Section 18-03-07 of the North Dakota Century Code is amended and reenacted as follows:

18-03-07. Office of management and budget to pay sum appropriated to association treasurer. Not later than the first day of August of each year, the office of management and budget, by warrants prepared and issued by the office and signed by the state auditor, shall pay to the treasurer of the North Dakota ~~firemen's~~ firefighter's association the sum appropriated by the legislative assembly for that year. ~~Such~~ The sum, however, may not be paid until the treasurer of the association has filed the bond required in section 18-03-04.

SECTION 8. AMENDMENT. Section 18-03-08 of the North Dakota Century Code is amended and reenacted as follows:

18-03-08. Report of use of money. On or before the first day of July of each year, the president, secretary, and treasurer of the North Dakota ~~firemen's~~ firefighter's association shall make to the office of management and budget a full and complete report, duly verified by the secretary, of the disposition of all moneys received; the association shall provide for an audit annually by a certified public accountant or licensed public accountant who shall submit the audit report to the state auditor's office. When the report is in the form and style prescribed by the state auditor, the state auditor may not conduct an audit of the records of the association.

SECTION 9. AMENDMENT. Section 18-04-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-04-01. Eligibility for participation in fund created from premium tax on fire insurance companies. To become eligible for the benefits provided under

this chapter, a city, or one or more townships or fire districts, shall maintain therein for a period of at least eight months before the filing of the certificate required under section 18-04-02 an organized fire district or department which:

1. Has been in actual existence for the period specified in this section;
2. ~~Has had as a part of its equipment at least one fire engine or truck~~
Meets the minimum requirements for class 9 protection or better; and
3. ~~Has had a membership of at least fifteen persons. The department or district also must be a member of the North Dakota firemen's association in good standing at the time the benefits are paid.~~
4. Has been in compliance with the requirements to report fires as set forth in section 18-01-06.

Change in a fire department's name, or incorporation into a fire district, must be deemed a waiver of the eight-month waiting period for filing a certificate of existence under section 18-04-02.

SECTION 10. AMENDMENT. Section 18-04-08 of the North Dakota Century Code is amended and reenacted as follows:

18-04-08. Notification of municipalities entitled to benefits. On or before the first day of June in each year, the secretary of the North Dakota ~~firemen's~~ firefighter's association shall notify the auditor of each municipality entitled to the benefits provided in this chapter of the name of the treasurer of each department or separately organized company in good standing in the North Dakota ~~firemen's~~ firefighter's association.

SECTION 11. AMENDMENT. Section 18-10-16 of the North Dakota Century Code is amended and reenacted as follows:

18-10-16. State fire marshal to establish rural routing systems. The state fire marshal, with the advice and cooperation of the North Dakota ~~firemen's~~ firefighter's association, may establish a system of rural routings which must be as uniform as is practicable throughout the state, for the purpose of aiding rural firefighting equipment and other emergency vehicles in locating and arriving quickly at the scene of a fire or other emergency within any area which they might logically be called upon to serve.

SECTION 12. AMENDMENT. Section 26.1-01-07.5 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-07.5. Fire district maps - Insurance applications to show fire district in which property is located - Penalty. Before December first of each year, the ~~commissioner of insurance~~ commissioner shall publish maps of the fire districts of the state for use by insurers under this section for the following calendar year. The state ~~firemen's~~ firefighter's association and the state fire marshal shall assist the ~~commissioner of insurance~~ commissioner in preparing the maps. After December 31, 1993, no insurer may issue or renew a policy for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, commercial multiple peril, or crop hail insurance coverage for property in this state unless the application identifies each fire district in which the insured property is located. The application must identify the property and insured value of the property located within each fire district if the policy provides coverage for property that is not all within a single

district. For purposes of this section, "fire district" means rural fire protection district, city, or area served by a certified rural fire department. An insurer that is found by the commissioner to be in violation of this section is subject to a penalty of one hundred dollars for each ~~such~~ violation to be deposited in the insurance tax distribution fund. The ~~commissioner of insurance~~ commissioner may adopt rules necessary for administration of this section, including rules governing preparation, charges for, and use of maps under this section.

SECTION 13. MEASURES ENACTED BY THE FIFTY-SEVENTH LEGISLATIVE ASSEMBLY RELATING TO THE NORTH DAKOTA FIREMEN'S ASSOCIATION. The legislative council may replace appropriate references to the North Dakota firemen's association in any measure enacted by the fifty-seventh legislative assembly with references to the North Dakota firefighter's association, as appropriate. References inserted may be adjusted to suit context and grammar of the sections and must be inserted so as to harmonize the legislative measure with regard to the name change provided by this Act.

Approved March 16, 2001
Filed March 16, 2001

CHAPTER 211

HOUSE BILL NO. 1118

(Political Subdivisions Committee)

(At the request of the Office of Management and Budget)

FIRE INSPECTIONS

AN ACT to amend and reenact section 18-08-12 of the North Dakota Century Code, relating to fire inspection of state buildings and institutions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-08-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-08-12. ~~Annual~~ Periodic fire inspection of state buildings and institutions. ~~An annual fire inspection shall be performed at each state institution and building.~~

1. The state fire marshal, or the marshal's designee, shall inspect annually the state penitentiary, the James River correctional center, the Missouri River correctional center, the North Dakota youth correctional center, the state developmental center at westwood park, Grafton, the state veterans' home, and the state hospital. The annual inspection of all other state institutions and occupied state-owned buildings, except residential buildings, must be made by the fire department of the city or fire protection district in which the institution or building is located, at the direction of the officer in charge of the institution or building, who state fire marshal, or the marshal's designee, at least once every three years. The officer in charge of the institution or building shall prepare a response to the report based upon the findings of the fire inspection. Inspection and reporting under this section for residential buildings must be performed annually. The report, which must contain specifications of any violations, must be submitted to the responsible board, agency, or commission and a copy of the response to the report must be submitted to the state fire marshal by the officer in charge of the state institution or building. If the report indicates that any All violations ~~can~~ in the report must be corrected within the current budget of the responsible board, agency, or commission, and action to correct the violations, unless good cause can be demonstrated to the attorney general, must be initiated within thirty days of receipt of the report by the responsible board, agency, or commission.
2. For purposes of this section, a "fire inspection" is a procedure performed in accordance with standards set forth in the ~~uniform state~~ building code, the fire protection code of the ~~building officials and code administrators~~ local jurisdiction, or the code of the national fire protection association.

3. For purposes of this section, "residential building" includes all state-owned buildings used in whole or in part for providing overnight sleeping accommodations to one or more persons on a regular or occasional basis, except for single-family dwellings.

Approved March 20, 2001

Filed March 20, 2001

CHAPTER 212

SENATE BILL NO. 2057

(Senators Grindberg, C. Nelson)
(Representative Hawken)

ALTERNATE FIREFIGHTERS RELIEF ASSOCIATION BENEFITS

AN ACT to amend and reenact section 18-11-26 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-11-26 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

18-11-26. Service pensions - Formulation of optional plan. With the consent of the governing body of the city involved, and in substitution for a pension payment schedule provided in section 18-11-15, a firefighters relief association may adopt a monthly service pension plan for members of the association as provided in this section.

1. Retirement date is the first day of the month next following the month in which the member attains the age of fifty-five years.
2. Retirement benefits for members reaching the retirement date equal an annual amount, payable monthly, comprised of a service benefit that equals two and ~~thirty-three~~ fifty hundredths percent of a ~~first-class firefighter's~~ first-class firefighter's final salary at the time of the member's retirement multiplied by the number of years of service employment up to a maximum of thirty years. For purposes of this subsection, final salary for a first-class firefighter is the final salary at the time of the member's retirement and for officers or members of higher rank is the average salary for the last five years of employment. As used in this subsection, salary does not include overtime or longevity payments.
3. Upon termination of employment after completing ten years of eligible employment but before the retirement date, a member is eligible to receive deferred vested retirement benefits payable commencing on the retirement date equal to one hundred percent of the member's accrued benefits.
4. Members participating in a firefighters relief association paying a monthly service pension to members of the association under this section must serve ten years before they are eligible for a service pension.
5. Members participating in a firefighters relief association who have been active members for at least one year, and who are not receiving salary or accumulated sick leave from the city and who are unable, because of physical or mental disability, to perform the duties of a firefighter, are eligible to receive a disability pension from the association. Disability

benefits are not payable for a disability that occurs in a firefighter's first year of membership in the association. The disability pension amount is equal to a percentage of the monthly salary of a first-class firefighter on January 31 of the year that the pension is paid, unless the member is eligible for a larger service pension, in which case the member is entitled to draw an annual pension amount equal to the member's service pension. The percentage of the monthly salary of a first-class firefighter which is payable as a disability pension is dependent upon the member's years of service as follows:

| <u>Years of Completed Service</u> | <u>Maximum Percentage</u> |
|---------------------------------------|-------------------------------|
| <u>0</u> | <u>0%</u> |
| <u>1</u> | <u>10%</u> |
| <u>2</u> | <u>20%</u> |
| <u>3</u> | <u>30%</u> |
| <u>4</u> | <u>40%</u> |
| <u>5</u> | <u>50%</u> |

Benefits may not be increased by reason of increases in salary of a first-class firefighter occurring after the initial calculation of pension benefits. The payments must remain fixed, except the benefit earned by years of service computation. If a member is receiving workers' compensation benefits or other similar benefits, the sum of the member's disability pension payable from the association and amounts received in workers' compensation benefits or other similar benefits may not be greater than one hundred percent of the monthly salary of the member at the time the member's disability began. However, when a member is no longer receiving workers' compensation benefits or other similar benefits, the member's disability pension is payable in the amount as determined under this subsection without regard to workers' compensation benefits or other similar benefits, including the greater of the amount of the disability pension or the service pension, if applicable.

6. Upon the recommendation of the association's actuary, a firefighters relief association may provide a thirteenth check to pensioners and beneficiaries under the plan. Payment of the thirteenth check is contingent upon portfolio performance as determined by the association's actuary and may not be issued without approval of the actuary.

Approved March 16, 2001
Filed March 16, 2001