

FIRES

CHAPTER 230

SENATE BILL NO. 2404
(Christensen)

DISTRIBUTION OF FIRE INSURANCE PREMIUMS

AN ACT to amend and reenact sections 18-04-02 and 18-04-05, relating to fire department reports and distribution of insurance premiums, and to repeal section 18-04-06 of the North Dakota Century Code.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 18-04-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-04-02. CITY AUDITOR OR SECRETARY OF RURAL FIRE DEPARTMENT TO FILE CERTIFICATE WITH STATE FIRE MARSHAL AND COMMISSIONER OF INSURANCE.) On or before the thirty-first day of October in each year, the auditor or secretary of any city or rural fire department which has an organized fire department shall make and file with the state fire marshal and with the commissioner of insurance his certificate stating the existence of the fire department, the date of its organization, the number of steam, hand, or other fire engines, hook and ladder trucks, and hose carts in actual use, the number of organized companies in the department, the number of members in each company, and the system of water supply in use by the department, together with such other facts as the state fire marshal or commissioner may require.

SECTION 2. AMENDMENT.) Section 18-04-05 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-04-05. AMOUNT DUE CITIES OR RURAL FIRE DEPARTMENTS - CERTIFICATE OF COMMISSIONER OF INSURANCE TO DEPARTMENT OF ACCOUNTS AND PURCHASES.) The commissioner of insurance shall compute the amounts due to the several cities, townships, or fire protection districts entitled to benefits under this chapter, and shall certify such amounts for payment to the department of accounts and purchases on or before June first of each year, in the following manner:

1. To cities not within the boundaries of a fire protection district, a sum equal to two and one-fourth percent of the premiums received by insur-

ance companies on fire and extended coverage insurance policies issued on property in such cities.

2. To each city fire department performing service outside of its incorporated limits, the sum of one hundred dollars.
3. To each rural fire department or district organized within the provisions of this title, the sum of two hundred dollars per year plus two and one-fourth percent of the fire and extended coverage insurance premiums paid in any city, whether incorporated or not, and encompassed in a fire district.

There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated as a standing and continuing appropriation, such sums as may be necessary to make payments as provided in this section.

SECTION 3. REPEAL.) Section 18-04-06 of the North Dakota Century Code is hereby repealed.

Approved March 29, 1971

CHAPTER 231

SENATE BILL NO. 2146
(Morgan)

FIRE MARSHAL'S
RULEMAKING POWER

AN ACT to amend and reenact section 18-09-02 of the North Dakota Century Code, relating to rulemaking power of the state fire marshal.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 18-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-09-02. FIRE MARSHAL TO MAKE RULES.) The state fire marshal shall make and promulgate regulations setting forth minimum general standards covering the design, construction, location, installation, and operation of equipment for storage, handling, transporting by tank-truck, tank-trailer, and utilizing liquefied petroleum gases and specifying the odorization of said gases and the degree thereof. Said regulations shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Said regulations shall substantially comply with the 1969 standards of the National Fire Protection Association for the design, installation, construction of containers, and pertinent equipment for the handling and storage of liquefied petroleum gases.

Approved February 19, 1971

CHAPTER 232

HOUSE BILL NO. 1421
(E. Miller)

CONTRACTING BY RURAL
FIRE PROTECTION DISTRICTS

AN ACT to amend and reenact section 18-10-06 of the North Dakota Century Code, relating to the powers and duties of directors of rural fire protection districts, and section 18-10-10 of the North Dakota Century Code, relating to contracts of rural fire protection districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 18-10-06 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-10-06. POWERS OF BOARD OF DIRECTORS.) The board of directors shall have the following general powers:

1. To determine upon a general fire protection program for the district.
2. To make an annual estimate of the probable expense for carrying out such program.
3. To annually certify such estimate to the proper county auditor in the manner provided by section 18-10-07.
4. To manage and conduct the business affairs of the district.
5. To make and execute contracts in the name of and on behalf of the district.
6. To purchase or lease such firefighting equipment, ambulances, or other emergency vehicles, supplies and other real or personal property as shall be necessary and proper to carry out the general fire protection program of the district.
7. To incur indebtedness on behalf of the district within the limits prescribed by section 18-10-08, and to authorize the issuance of evidences of such indebtedness permitted under section 18-10-08, and to pledge any real or personal property owned or

acquired by the district as security for the same.

8. To organize, establish, equip, maintain, and supervise a fire department or company to serve the district.
9. Generally to perform all acts necessary to fully carry out the purposes of this chapter.

SECTION 2. AMENDMENT.) Section 18-10-10 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-10-10. RURAL FIRE DEPARTMENT MAY ENTER INTO CONTRACT.) Any rural fire protection district may elect to enter into a contract with another rural fire protection district to consolidate or cooperate for mutual fire protection and prevention purposes, including ambulance or emergency vehicle services, or may enter into a contract with any federal, state, or local government agency for fire protection service or fire protection cooperation, including ambulance or emergency vehicle services, upon terms suitable to all concerned, and power to make such contracts is hereby conferred upon such state or local government agency in addition to such powers as have been heretofore provided by law.

Approved March 18, 1971

CHAPTER 233

HOUSE BILL NO. 1487
(Hentges, Wagner)

FIREMEN'S PENSIONS

AN ACT to create and enact subsection 3 of section 18-11-15 of the North Dakota Century Code, and to amend and reenact subsection 2 of section 18-11-15 and sections 18-11-18 and 18-11-23 of the North Dakota Century Code, relating to the alternate firemen's relief association plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 2 of section 18-11-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. All members must serve twenty years before they shall be eligible for a service pension; however, any member who has twenty years of service and who has not attained the age of fifty years, shall have the right to retire from the department without forfeiting his right to a service pension. Such person shall, upon application, be placed on the deferred pension roll of the association, and after he has reached the age of fifty years, the association shall, upon application therefor, pay his service pension from the date he attains eligibility at a rate of forty percent of the monthly salary of a first class fireman as determined on January first of the year in which the pension is paid. A member having thirty years' service can be placed upon the deferred pension roll until he reaches the age of sixty years, at which time he shall be allowed the maximum payment provided for in the schedule in subsection 1 of this section. Any person making such application thereby waives all other rights, claims, or demands against the association for any cause, except those causes that may have arisen from, or that may be attributable to, his service on the fire department.

SECTION 2.) Subsection 3 of section 18-11-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

3. With the consent of the governing body of the municipality involved, and in substitution for the pension

payment schedule set out in subsection 1, a firemen's relief association shall pay a monthly service pension to members of the association with the following qualifications, the following amounts:

<u>Years of Service</u>	<u>Years of Age</u>	<u>Percent of first class firemen's monthly salary on January first during year the pension is paid</u>
20	50	40%
21	51	42%
22	52	44%
23	53	46%
24	54	48%
25	55	50%
26	56	52%
27	57	54%
28	58	56%
29	59	58%
30	60	60%

SECTION 3. AMENDMENT.) Section 18-11-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-11-18. PROPORTIONAL DECREASE IN BENEFITS IF FUNDS NOT SUFFICIENT.) If the balances of the funds in a city with a population of fifty thousand or more shall decrease to four hundred thousand dollars; in a city with a population of over forty thousand but less than fifty thousand shall decrease to one hundred thousand dollars; in a city with a population of thirty-eight thousand or less shall decrease to fifty thousand dollars, the benefit provided for in sections 18-11-15, 18-11-16, and 18-11-17 shall be proportionately decreased, but in no case shall the benefit be decreased more than twenty percent at any one time. When the balances return to the above figures, then the benefits shall again be paid as prescribed in sections 18-11-15, 18-11-16, and 18-11-17.

SECTION 4. AMENDMENT.) Section 18-11-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-11-23. FUNERAL BENEFITS.) The bylaws of the association shall provide for funeral benefits for its active or retired members not to exceed for each funeral twice the monthly salary of a first-class fireman on January first of the year in which the member dies.

Approved March 29, 1971