

# FIRES

## CHAPTER 260

SENATE BILL NO. 2415  
(Nelson)

### LPG FURNACES

AN ACT to create and enact a new section to chapter 18-09 of the North Dakota Century Code, relating to the installation of liquefied petroleum gas furnaces or other appliances in residential or commercial buildings.

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

SECTION 1. A new section to chapter 18-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Liquefied petroleum gas furnace or other appliance permitted in residential or commercial building.** No state agency may by rule, resolution, or ordinance prohibit the installation, in the basement of any residential or commercial building, of a furnace or other appliance that uses liquefied petroleum gas.

Approved March 27, 1987  
Filed March 30, 1987

## CHAPTER 261

SENATE BILL NO. 2497  
(Stenehjem, Ingstad)

**FIRE PROTECTION DISTRICT IMMUNITY**

AN ACT to create and enact a new section to chapter 18-10 of the North Dakota Century Code, relating to civil immunity for fire protection districts and district personnel; and to amend and reenact subsection 3 of section 32-12.1-03 of the North Dakota Century Code, relating to civil immunity for political subdivisions and subdivision employees.

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

SECTION 1. A new section to chapter 18-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Rural fire protection district - Civil immunity. No rural fire protection district, nor any personnel of the district, acting within the scope of its authority is liable for any claim resulting from the failure to provide or maintain sufficient personnel, equipment, or other fire protection facilities; or doing any extinguishment or fire prevention work, rescue, resuscitation, or first aid; or any other official acts within the scope of official duties; provided, however, this section does not provide immunity for damages resulting from acts of gross negligence.

SECTION 2. AMENDMENT. Subsection 3 of section 32-12.1-03 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A political subdivision shall not be liable for any claim based upon an act or omission of an employee of a political subdivision, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance, exercising due care, or the failure to exercise or perform a discretionary function or duty on the part of a political subdivision or its employees, whether or not the discretion involved be abused. Specifically, a political subdivision or an employee

thereof shall not be liable for any claim which results from:

- a. The decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including the decision to adopt or the refusal to adopt any statute, charter, ordinance, order, regulation, resolution, or resolve.
- b. The decision to undertake or the refusal to undertake any judicial or quasi-judicial act, including the decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.
- c. The decision to perform or the refusal to exercise or perform a discretionary function or duty, whether or not such discretion be abused and whether or not the statute, charter, ordinance, order, resolution, regulation, or resolve under which the discretionary function or duty is performed is valid or invalid.
- d. The failure to provide or maintain sufficient personnel, equipment, or other fire protection facilities; or doing any fire extinguishment or fire prevention work, rescue, resuscitation, or first aid; or any other official acts within the scope of official duties; provided, however, this subsection does not provide immunity for damages resulting from acts of gross negligence.

Nothing contained in this subsection shall be construed to limit the liability of a political subdivision or an employee thereof for a personal injury arising out of the execution of any legislative or quasi-legislative act, judicial or quasi-judicial act, or discretionary function.

Approved March 20, 1987  
Filed March 23, 1987

## CHAPTER 262

HOUSE BILL NO. 1112  
(Committee on Political Subdivisions)  
(At the request of the State Auditor)

**FIREMEN'S RELIEF ASSOCIATION AUDITS**

AN ACT to amend and reenact sections 18-11-22 and 54-10-22 of the North Dakota Century Code, relating to the state auditor's examination of firemen's relief associations and the responsibility for expenses incurred from an audit; and to repeal sections 58-02-04 and 58-02-05 of the North Dakota Century Code, relating to the notification to the state auditor of new townships and avoiding duplication of any township names.

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

SECTION 1. AMENDMENT. Section 18-11-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-11-22. State auditor to examine books Examination of relief association records - Report of unauthorized spending to governor - Duty of governor. The state auditor biennially shall examine the books and accounts of the secretary-treasurer of each firemen's relief association receiving funds under the provisions of this chapter must be examined pursuant to section 54-10-14. If he finds the audit report discloses that the money, or any part of it, has been or is being expended for unauthorized purposes, he the state auditor shall report the facts to the governor. Thereupon, the governor shall direct the state auditor to refuse to issue any warrants for the benefit of the fire department or relief association of the municipality in which such association is organized until it shall be made to appear to the state auditor, who shall report the fact to the governor, that all moneys wrongfully expended have been replaced. The governor may take such further action as the emergency may demand. Each firemen's relief association shall pay into the state treasury fees for such biennial examinations as provided by section 54-10-14 for the examination of the books and accounts of political subdivisions.

SECTION 2. AMENDMENT. Section 54-10-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-22. Public officers to aid state auditor - Auditor's authority on investigation. The officers and employees of all departments, institutions, boards, commissions, and political subdivisions, subject to examination by the state auditor, must afford all reasonable facilities for the investigation provided for in this title, and must make returns and exhibits to the auditor under oath in such form and in such manner as he may prescribe. The auditor shall have full power and authority to audit any books, papers, accounts, bills, vouchers, and other documents, or property of any and all departments, boards, commissions, political subdivisions, and financial institutions subject to his audit. He The auditor shall have authority to audit under oath any or all trustees, managers, officers, employees, or agents of any such departments, boards, commissions, or political subdivisions. When necessary, the auditor shall employ stenographers or clerical help, the expense incurred ~~therefor~~ to be collected by ~~him~~ the auditor from the ~~county~~ respective department, institution, board, commission, or political subdivision.

SECTION 3. REPEAL. Sections 58-02-04 and 58-02-05 of the North Dakota Century Code are hereby repealed.

Approved March 12, 1987  
Filed March 16, 1987