

**Fifty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 9, 2001**

HOUSE BILL NO. 1323
(Representatives Disrud, Maragos, Mueller)
(Senators Heitkamp, Krebsbach)

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.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1323.

House Vote: Yeas 97 Nays 0 Absent 1

Senate Vote: Yeas 47 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2001.

Approved at _____ M. on _____, 2001.

Governor

Filed in this office this _____ day of _____, 2001,

at _____ o'clock _____ M.

Secretary of State