

Introduced by

Senators Oehlke, Schaible, Grabinger

Representatives Dockter, Pyle, Guggisberg

1 A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota
2 Century Code, relating to disclosure of information concerning toxic or hazardous substances;
3 to amend and reenact sections 18-01-06, 18-01-33, 18-04-01, 18-12-03, 18-12-05, 18-12-25,
4 and 23-13-16 of the North Dakota Century Code, relating to powers and duties of the state fire
5 marshal regarding explosives, participation in the fire insurance tax distribution fund, the
6 submission plans and specifications for school buildings, and aboveground petroleum storage
7 tanks; to repeal sections 18-01-34 and 18-10-16 of the North Dakota Century Code, relating to
8 disclosure of information concerning toxic or hazardous substances and the duty of the state
9 fire marshal to establish a rural routing system; and to provide a penalty.

10 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

11 **SECTION 1. AMENDMENT.** Section 18-01-06 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **18-01-06. Fire chiefs and auditors or secretaries of cities and rural fire protection**
14 **districts must report fires.**

15 Within five~~thirty~~ days after the occurrence of any fire in which property in a city or rural fire
16 protection district has been destroyed or damaged in an amount which exceeds twenty-five
17 dollars, an organization that is contracted by a political subdivision for fire protection or the fire
18 chief of such city or rural fire protection district, if a fire department is maintained therein, or the
19 auditor of the city or the secretary of the rural fire protection district, if a fire department is not
20 maintained therein, shall report the cause, if known, and the origin and circumstances of the fire
21 and the name of the owner and occupant of such property, to the state fire marshal or enter the
22 information in the national fire incident reporting system software. Such report must show
23 whether such fire was the result of carelessness, accident, or design. The provisions of this

1 section must be complied with, insofar as the same are applicable, if the fire is of unknown
2 origin, regardless of the amount of damage caused thereby.

3 **SECTION 2. AMENDMENT.** Section 18-01-33 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **18-01-33. State fire marshal may adopt rules for explosives - Penalty.**

6 The state fire marshal may adopt safety rules for the storage, sale, and use of combustibles
7 and explosives, not otherwise provided by law. Any person who willfully refuses to comply with
8 the safety rules adopted by the state fire marshal is guilty of a class B misdemeanor. Rules
9 adopted by the state fire marshal may not be more restrictive than those promulgated by the
10 ~~national fire codes of the national fire protection association~~current international building codes
11 and international fire codes of the international code council and do not apply to the
12 transportation of explosives and dangerous articles regulated by the interstate commerce
13 commission. ~~The state fire marshal may make reasonable provision for the application or~~
14 ~~nonapplication of all or any portion of the national fire codes.~~

15 **SECTION 3. AMENDMENT.** Section 18-04-01 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **18-04-01. Eligibility for participation in fund created from premium tax on fire**
18 **insurance companies.**

19 1. To become eligible for the benefits provided under this chapter, a city, or one or more
20 townships or fire districts or private or public contracted fire service agency, shall
21 maintain therein for ~~a period of~~ at least eight months before the filing of the certificate
22 required under section 18-04-02 ~~an organized~~a fire district, fire protection district, or
23 ~~department which~~that:

- 24 1. a. Has been in actual existence for the period specified in this section;
25 2. b. ~~Meets~~Provides the minimum requirements for class 9 fire protection or better;
26 and
27 3. c. Has been in compliance with the requirements to report fires as set forth in
28 section 18-01-06.

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

1 **SECTION 4. AMENDMENT.** Section 18-12-03 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **18-12-03. Plans and specifications.**

4 Plans and specifications for all new public school buildings and for all additions to and
5 remodeling of existing public school buildings must be submitted for approval to the state fire
6 marshal and the superintendent of public instruction or ~~to the~~ state board of higher education. ~~In~~
7 ~~the case of~~ Architects and engineers preparing private school plans and specifications, ~~they~~
8 ~~must be submitted~~ shall submit school plans and specifications directly to the state fire marshal
9 for approval.

10 **SECTION 5. AMENDMENT.** Section 18-12-05 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **18-12-05. State fire marshal.**

13 The state fire marshal shall approve plans and specifications for school buildings before
14 construction is started. ~~The state fire marshal shall review public school building plans upon~~
15 ~~referral from the superintendent of public instruction or the state board of higher education. In~~
16 ~~the case of private school buildings the architects and engineers preparing plans shall submit~~
17 ~~them to the state fire marshal for approval.~~ It is the duty of the architect or engineer preparing
18 the plans or supervising the construction to notify the state fire marshal when the building has
19 been completed.

20 **SECTION 6. AMENDMENT.** Section 18-12-25 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **18-12-25. Reference data.**

23 The following data must be used as reference and as an aid in the interpretation of this
24 chapter:

- 25 1. ~~State building code~~ The international building code.
- 26 2. ~~The national fire codes--national fire protection association~~ international fire code.
- 27 3. The National Electrical Code - national fire protection association.
- 28 4. The national fire protection association.

29 **SECTION 7. AMENDMENT.** Section 23-13-16 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **23-13-16. Aboveground storage tanks permitted - Limitations.**

2 Subject to local zoning ordinances, a business selling petroleum products for dispensing
3 into motor vehicles may install and utilize new aboveground tanks ~~with a maximum capacity not~~
4 ~~exceeding nineteen thousand gallons [71922.6 liters] for the storage of petroleum products. No~~
5 ~~business selling petroleum products for dispensing into motor vehicles may use aboveground~~
6 ~~storage tanks with an aggregate capacity of more than ninety five thousand gallons [359613~~
7 ~~liters] for the storage of petroleum products at one location~~that comply with the current editions
8 of the National Fire Protection Association Code 30 for flammable and combustible liquids and
9 the National Fire Protection Association Code 30A for motor fuel dispensing facilities and repair
10 garages.

11 **SECTION 8.** A new section to chapter 37-17.1 of the North Dakota Century Code is created
12 and enacted as follows:

13 **Disclosure of information concerning toxic or hazardous substances - List to**
14 **department of emergency services and local fire departments - Exceptions - Availability**
15 **of information restricted - Penalty.**

16 A person that produces, either as a direct or indirect result of conducting the production of
17 goods or services, routinely stores, or sells a hazardous substance in this state shall submit to
18 the department of emergency services and to the fire department in the fire district in which is
19 located a facility owned and operated by the person, a list of hazardous substances that are
20 consistently generated by, used by, stored at, or transported from the facility. As used in this
21 section, "hazardous substance" means a chemical or substance or mixture of chemicals and
22 substances which is defined as a hazardous substance under the federal Comprehensive
23 Environmental Response, Compensation, and Liability Act of 1980 [Pub. L. 96-510], as
24 amended, and meets or exceeds the listed reportable quantity for that substance. As used in
25 this section, "facility" means any building or other structure or place where hazardous
26 substances are used, manufactured, or stored, and includes areas where hazardous
27 substances are handled, mixed, processed, packaged, or repackaged. The information must be
28 provided in sufficient specificity that, in accordance with rules adopted by the department of
29 emergency services, the department of emergency services and the local fire departments are
30 informed of the nature of the hazardous substances, the hazards presented by the hazardous
31 substances, and the appropriate response in dealing with an emergency involving the

1 hazardous substances. The department of emergency services, by rule, shall except persons
2 from the requirements of this section if the persons do not generate, use, store, or transport
3 sufficient amounts of hazardous substances to create a significant threat to public safety.
4 Persons that have copies of emergency response plans meeting the requirements of the federal
5 Resource Conservation and Recovery Act of 1976 on file with the state fire marshal or
6 department of emergency services and the local fire district are deemed to be in compliance
7 with the requirements of this section. The department of emergency services and local fire
8 departments receiving information under this section may make the information received
9 available only to other governmental emergency response departments. Any person that
10 violates this section is guilty of a class B misdemeanor.

11 **SECTION 9. REPEAL.** Sections 18-01-34 and 18-10-16 of the North Dakota Century Code
12 are repealed.