

**Sixty-fifth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2017**

SENATE BILL NO. 2316  
(Senators Oehlke, Schaible, Grabinger)  
(Representatives Dockter, Pyle, Guggisberg)

AN ACT to amend and reenact sections 18-01-06, 18-01-33, 18-04-01, 18-12-03, 18-12-05, and 18-12-25 of the North Dakota Century Code, relating to powers and duties of the state fire marshal regarding explosives, participation in the fire insurance tax distribution fund, and the submission of plans and specifications for school buildings; to repeal sections 18-01-34 and 18-10-16 of the North Dakota Century Code, relating to disclosure of information concerning toxic or hazardous substances and the duty of the state fire marshal to establish a rural routing system; and to provide a penalty.

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

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

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

Within ~~five~~thirty days after the occurrence of any fire in which property in a city or rural fire protection district has been destroyed or damaged in an amount which exceeds twenty-five dollars, an organization that is contracted by a political subdivision for fire protection or the fire chief of such city or rural fire protection district, if a fire department is maintained therein, or the auditor of the city or the secretary of the rural fire protection district, if a fire department is not maintained therein, shall report the cause, if known, and the origin and circumstances of the fire and the name of the owner and occupant of such property, to the state fire marshal or enter the information in the national fire incident reporting system software. Such report must show whether such fire was the result of carelessness, accident, or design. The provisions of this section must be complied with, insofar as the same are applicable, if the fire is of unknown origin, regardless of the amount of damage caused thereby.

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

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

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

**SECTION 3. AMENDMENT.** Section 18-04-01 of 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.**

1. 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, fire protection district, or department ~~which~~that:

1. a. Has been in actual existence for the period specified in this section;
  2. b. ~~Meets~~Provides the minimum requirements for class 9 fire protection or better; and
  3. c. Has been in compliance with the requirements to report fires as set forth in section 18-01-06.
2. Change in a fire department's name, or incorporation into a fire district, ~~must be~~is deemed a waiver of the eight-month waiting period for filing a certificate of existence under section 18-04-02.

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

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

Plans and specifications for all new public school buildings and for all additions to and remodeling of existing public school buildings must be submitted for approval to the state fire marshal, chief of the fire department or fire protection district with jurisdiction, and the superintendent of public instruction or to the state board of higher education. ~~In the case of private~~Private school plans and specifications, they must be submitted directly to the state fire marshal and the chief of the fire department or fire protection district with jurisdiction for approval.

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

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

The state fire marshal and the chief of the fire department or fire protection district shall approve plans and specifications for school buildings before construction is started. ~~The state fire marshal shall review public school building plans upon referral from the superintendent of public instruction or the state board of higher education. In the case of private school buildings the architects and engineers preparing plans shall submit them to the state fire marshal for approval. It is the duty of the architect or engineer preparing person that prepared the plans or the person that is supervising the construction to notify the state fire marshal~~ and the chief of the fire department or fire protection district when the building has been completed.

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

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

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

1. ~~State building code~~State and local fire and building codes.
2. ~~The national fire codes -- national fire protection association~~
3. The National Electrical Code - national fire protection association.
3. The national fire protection association.

**SECTION 7. REPEAL.** Sections 18-01-34 and 18-10-16 of the North Dakota Century Code are repealed.

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President of the Senate

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Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2316.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 90            Nays 0            Absent 4

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State