

FIRES

CHAPTER 162

H. B. No. 757
(Boustead, Brown, Dick)

TRANSFER OF STATE FIRE MARSHAL DEPARTMENT

AN ACT

To amend and reenact sections 18-01-01, 18-01-04, 18-01-05, 26-24-03 and 54-12-01 of the North Dakota Century Code, and to repeal subsection 10 of section 26-01-02 of the North Dakota Century Code, providing for the transfer of the office of state fire marshal from the insurance commissioner to the attorney general, and providing for its operation in conjunction with the bureau of criminal identification and apprehension.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 18-01-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-01. Appointment of Fire Marshal—Appointment and Salaries of Deputies—Employment of Assistants.) The attorney general shall appoint the state fire marshal, and fix his salary within the legislative appropriation therefor. The state fire marshal shall have the management, control and supervision of the fire marshal department and shall perform the duties imposed on the state fire marshal by the provisions of this chapter.

The state fire marshal shall appoint and fix the salaries of such deputies and other employees as he deems necessary to carry out the provisions of this chapter within the limits of legislative appropriations therefor.

Before entering upon their duties, the state fire marshal and each deputy appointed under this section shall give a bond to the state of North Dakota in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties and he shall take and subscribe the constitutional oath of office and file the same in the office of the secretary of state.

The fire marshal department shall be operated in conjunction with the bureau of criminal identification and apprehension, but shall have a separate budget appropriated by the legislature from the general fund.

§ 2. Amendment.) Section 18-01-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-04. Rules for Prevention of Fires To Be Issued.) The state fire marshal, under the supervision of the attorney general, shall make rules not inconsistent with the provisions of this code for the prevention of fires, and shall explain such rules fully to all state, county and municipal boards and officers. All such rules shall be posted in such conspicuous places as will tend to be of the greatest benefit to the residents of the state, and when called upon, the state fire marshal or one of his assistants shall appear before any public board and explain the benefits derived from compliance with such rules and regulations in the reduction of hazardous conditions and loss by fire.

§ 3. Amendment.) Section 18-01-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-01-05. Insurance Companies to Report Fire Losses to State Fire Marshal.) Each insurer authorized to transact fire insurance business in this state is hereby required to report to the state fire marshal, either directly or through an approved agency, fire losses on property insured in the company, giving the name of the insured, the date of the fire, the amount of loss, the loss paid, the character of the property destroyed or damaged, and the supposed cause of the fire. Provided, however, the state fire marshal may waive the reporting of such losses which are deemed unimportant because of the small amount involved to the end that a saving in time and expense will result. This report shall be mailed to the state fire marshal as soon as possible after notice of loss is received by the company. This report shall be in addition to, and not in lieu of, any report the company may be required to make by any law of this state to the commissioner of insurance.

§ 4. Amendment.) Section 26-24-03 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26-24-03. Employment of Assistants — Expenditures from Fund.) To carry out the provisions of this chapter, the commissioner may utilize any information on file in the fire marshal department and any of the employees in the department of insurance, and he may employ such assistants and incur such expense as may be necessary, but all expenditures made for such purposes shall remain within the limits of appropriations made therefor by the legislative assembly from time to time and shall be paid out of the fund upon

warrants prepared by the department of accounts and purchases drawn upon the state treasurer after the approval of vouchers by the state auditing board.

§ 5. **Amendment.**) Subsection 16 of section 54-12-01 of the 1965 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

54-12-01. Attorney General—Duties.) The attorney general shall:

16. Appoint the state fire marshal and supervise the operation of the state fire marshal department.

§ 6. **Repeal.**) Subsection 10 of section 26-01-02 of the North Dakota Century Code is hereby repealed.

Approved February 28, 1967.

CHAPTER 163

H. B. No. 749
(Kelsch)

DISTRIBUTION OF INSURANCE TAXES

AN ACT

To amend and reenact sections 18-04-05 and 18-04-07 of the North Dakota Century Code, relating to the distribution of insurance taxes to fire departments and to the disbursement of these funds by municipalities and providing an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 18-04-05 of the 1965 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 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 insurance 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.

§ 2. Amendment.) Section 18-04-07 of the North Dakota Century Code is hereby amended by the creation of subsection 3.

3. For the purpose of this section, a non-paid or volunteer fire department shall be any department where less than fifty percent of the personnel of said department are full-time regularly salaried firemen. A volunteer fireman shall be a fireman who does not receive a regular monthly salary though he may receive compensation for each fire call he responds to.

Approved March 14, 1967.

CHAPTER 164

H. B. No. 606
(Kelsch)

RURAL FIRE PROTECTION DISTRICTS

AN ACT

To amend and reenact subsection 8 of section 18-10-06 and section 18-10-08 of the North Dakota Century Code, relating to the powers of boards of directors of rural fire protection districts and to the limitation of indebtedness of such districts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Subsection 8 of section 18-10-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

8. To organize, establish, equip, maintain and supervise a fire department or company to serve the district;

§ 2. **Amendment.)** Section 18-10-08 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-10-08. Indebtedness of District Limited.) No district shall become indebted for an amount that may not be payable from ten annual maximum tax levies as authorized by section 18-10-07. Within the limits herein authorized, the district shall have power to borrow money at a rate not in excess of six percent per annum and to issue appropriate evidence of indebtedness thereof.

Approved February 28, 1967.

CHAPTER 165

H. B. No. 939
(Committee on Delayed Bills)

FIREMEN'S TAX LEVY FORMULA

AN ACT

To amend and reenact section 18-11-10 of the North Dakota Century Code, relating to the tax levy formula for alternate firemen's associations.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 18-11-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-11-10. City Shall Make Additional Levy.) At the time the tax levies for the support of the city are made, and in addition thereto, the governing body of any city which shall have adopted this plan, shall levy a tax on all taxable property within the city sufficient in amount to equal a minimum of eight percent of the current annual salary of a first class fireman as last determined and approved by the governing body of the city, for each active member of the fire department relief association at the time the levy is made. This tax shall be levied notwithstanding the city maximum annual tax levy for all purposes as limited by statute. This tax is in addition to the tax levy as so limited.

Approved March 6, 1967.