

FIRES

CHAPTER 252

SENATE BILL NO. 2392
(Senators Kusler, Ingstad)
(Representatives DeMers, Rydell, Sauter)

HAZARDOUS SUBSTANCE DISCLOSURE

AN ACT to provide disclosure requirements for persons who produce or sell toxic or hazardous substances in the state to the state fire marshal and local fire departments; and to provide a penalty.

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

SECTION 1. Disclosure of information concerning toxic or hazardous substances - List to state fire marshal and local fire departments - Exceptions - Availability of information restricted - Penalty. Every person who produces, either as a direct or indirect result of conducting the production of goods or services, routinely stores, or sells a hazardous substance in this state shall submit to the state fire marshal and to the fire department in the fire district in which is located a facility owned and operated by the person, a list of hazardous substances that are consistently generated by, used by, stored at, or transported from the facility. As used in this section "hazardous substance" means a chemical or substance or mixture of chemicals and substances which is defined as a hazardous substance under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [Pub. L. 96-510], as amended, and meets or exceeds the listed reportable quantity for that substance. As used in this section "facility" means any building or other structure or place where hazardous substances are used, manufactured, or stored, and includes areas where hazardous substances are handled, mixed, processed, packaged, or repackaged. The information must be provided in sufficient specificity, in accordance with rules adopted by the state fire marshal, that the state fire marshal and the local fire departments are informed of

the nature of the hazardous substances, the hazards presented by the hazardous substances, and the appropriate response in dealing with an emergency involving the hazardous substances. The state fire marshal shall by rule except persons from the requirements of this section when the persons do not generate, use, store, or transport sufficient amounts of hazardous substances to create a significant threat to public safety. Persons who have copies of emergency response plans meeting the requirements of the federal Resource Conservation and Recovery Act of 1976 on file with the state fire marshal and the local fire district shall be deemed to be in compliance with the requirements of this section. The state fire marshal and local fire departments receiving information under this section may make the information received available only to other governmental emergency response departments. Any person who violates this Act is guilty of a class B misdemeanor.

Approved March 22, 1985

CHAPTER 253

SENATE BILL NO. 2104
(Senator Wogsland)
(Representative Laughlin)

FIRE INSURANCE PREMIUM TAX DISTRIBUTION

AN ACT to amend and reenact subsection 4 of section 18-04-05 of the North Dakota Century Code, relating to fire insurance premium tax distribution to rural fire protection districts.

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

* SECTION 1. AMENDMENT. Subsection 4 of section 18-04-05 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. To each rural fire protection district organized within the provisions of this title or rural fire department certified by the state fire marshal, two hundred dollars plus a sum equal to two and one-fourth percent of the premiums; ~~excluding crop hail insurance premiums~~ received by insurance companies issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and commercial multiple peril insurance on property within the boundaries of such rural fire protection districts or property served by certified rural fire departments.

Approved March 30, 1985

* NOTE: Section 18-04-05 was also amended by section 32 of Senate Bill No. 2086, chapter 82.

CHAPTER 254

HOUSE BILL NO. 1479
(Representatives Laughlin, O'Connell)
(Senators Wogsland, Tweten)

CARRYOVER FUNDS OF RURAL FIRE PROTECTION DISTRICTS

AN ACT to amend and reenact section 18-10-07 of the North Dakota Century Code, to allow rural fire protection districts to accumulate funds from year-to-year for major purchases of firefighting equipment.

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

SECTION 1. AMENDMENT. Section 18-10-07 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-10-07. Fire protection policy to be determined - Tax levy. The board of directors shall determine a general fire protection policy for the district and shall annually estimate the probable expense for carrying out the contemplated program. The annual estimate of probable expense may include an amount determined by the board of directors to be necessary to be carried over to a future year for purchase of firefighting equipment, ambulances, or other emergency vehicles. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year, who shall levy a tax upon the taxable property within the district for the maintenance of the fire protection district for the fiscal year as provided by law. The tax shall not exceed the limitation in section 57-15-26.3. No signature on the petition shall be considered valid if made more than ninety days prior to receipt of the petition. The tax shall be:

1. Collected as other taxes are collected in the county.
2. Turned over to the secretary-treasurer of the rural fire protection district, who shall have a surety bond in the amount of at least five thousand dollars.
3. Placed to the credit of the rural fire protection district so authorizing the same by its secretary-treasurer in a state or national bank, except amounts to be carried over to a future year for purchase of firefighting equipment,

ambulances, or other emergency vehicles may be invested to earn the maximum return available.

4. Paid out upon warrants drawn upon the fund by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president of the rural fire protection district.

The amount of tax levy may not exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense including the amount of principal and interest upon the indebtedness of the district for the ensuing year and including any amount determined by the board of directors to be necessary to be carried over to a future year for purchase of firefighting equipment, ambulances, or other emergency vehicles.

Approved March 14, 1985

CHAPTER 255

HOUSE BILL NO. 1435
(Thompson, Whalen)

WITHDRAWAL FROM RURAL FIRE PROTECTION DISTRICT

AN ACT to create and enact a new section to chapter 18-10 of the North Dakota Century Code, relating to withdrawal of territory from a rural fire prevention district.

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:

Withdrawal from fire prevention district. Any person having an ownership interest in property subject to a mill levy as provided for in section 18-10-07 and wishing to withdraw such property from the rural fire protection district may do so as provided in this section, subject to the following restrictions:

1. The territory to be withdrawn from the district must border on the outer boundary of the district.
2. The territory to be withdrawn from the district remains subject to and chargeable for the payment and discharge of the proportion of obligations outstanding at the time of filing the petition for the withdrawal of the territory that the taxable valuation of property in the territory to be withdrawn bears to the taxable valuation of all property within the district prior to withdrawal.
3. Mill levies imposed under section 18-10-07 remain in effect until the proportionate share of outstanding obligations are paid.
4. The proceedings for withdrawal must be initiated by the filing of a petition with the appropriate county auditor or auditors signed by the fee title holders of sixty percent of the surface acreage in the territory sought to be withdrawn, and contain a description of the boundaries of the territory sought to be withdrawn and a map or plat illustrating such area.

5. The county auditor shall verify from the tax schedules and determine whether the petition complies with the requirements of subsection 4.
6. The county auditor shall determine and certify the respective percentage proportions of the taxable valuation of the territory petitioned to be withdrawn to the taxable valuation of all property in the district prior to withdrawal to the board of directors of the district concerned.
7. Within twenty days after receipt of the petition, verification, and computation of respective percentage proportions, the board of directors of the district concerned shall attach to the petition a statement of outstanding obligations of the district and shall forward the petition to the appropriate board or boards of county commissioners.
8. The board or boards of county commissioners shall, at a regular meeting, compute the indebtedness proportionately assignable to the territory sought to be withdrawn, and shall by written order describe the boundaries of the territory withdrawn, the indebtedness of the district assigned to the territory and subject to continued levy under section 18-10-07. The order and computation must be filed in the office of the county auditor or auditors.
9. The annual estimate required under section 18-10-07 must reflect the annual expense of retiring principal and interest upon the proportionate share of district indebtedness assigned to withdrawn territory.

Approved March 22, 1985

CHAPTER 256

HOUSE BILL NO. 1086
(Legislative Council)

(Interim Committee on Public Employees Retirement Program)

**BENEFITS UNDER ALTERNATE FIREMEN'S
RETIREMENT PLAN**

AN ACT to amend and reenact section 18-11-18 of the North Dakota Century Code, relating to benefits under the alternate firemen's relief association retirement plan.

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

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

18-11-18. ~~Proportional decrease~~ Reduction in benefits if funds not sufficient. If at any time the association's actuary certifies that the balance of the association's fund, together with future contributions by active members and contributions by the state, or the city, or both, and earnings thereon, will be inadequate to provide future prescribed benefits for active and inactive members and their beneficiaries, the board of trustees of the association, by majority vote, may ~~proportionately~~ decrease the benefits provided for in sections 18-11-15, 18-11-16, and 18-11-17 ~~by a total sum not to exceed twenty percent thereof, and not more than two percent in any one calendar year, in accordance with actuarial recommendations to assure the solvency of the fund and~~ subject to the following conditions:

1. In no event shall the The benefit, payable in any calendar year, for existing and future retirees and pension recipients may not be less than the benefit paid in the previous calendar year, except to the extent that the reduction is attributable to a reduction in the salary of a first-class fireman upon which the benefit is computed to an existing retiree of similar status.
2. The decrease in benefits authorized by this section shall not exceed the lesser of twenty percent of the benefits or so much thereof as is certified by the association's actuary to be necessary, from time to time. The duration of the decrease shall not extend beyond the period recommended by the association's actuary. The reduction

must be based upon actuarial recommendations which take into consideration pension benefit standards for similarly funded plans.

3. When the balance of the association's state fund, together with future contributions by active members, and contributions by the state, or the city, or both, and earnings thereon, are sufficient to provide future prescribed benefits for active and inactive members and their beneficiaries, benefits shall again be paid as prescribed by sections 18-11-15, 18-11-16, and 18-11-17. Such action may be taken only after actuarial study and recommendations which are approved by a majority vote of the board of trustees of the association.

Decisions of the board of trustees, made in good faith and based upon actuarial recommendations with respect to benefit adjustments under this section, are final and supersede any previous actions or bylaws of the association. The members of the board of trustees must be indemnified from the funds of the association for any claims or expenses of defending claims arising from decisions made in good faith and based upon actuarial recommendations under this section.

Approved March 1, 1985

CHAPTER 257

HOUSE BILL NO. 1172
(Committee on Education)

(At the request of the Superintendent of Public Instruction)

FIRE PREVENTION AND CONSTRUCTION REQUIREMENTS FOR SCHOOLS

AN ACT to amend and reenact sections 18-12-06, 18-12-23, and 18-12-25 of the North Dakota Century Code, relating to construction of educational occupancies; and to repeal sections 15-35-01, 15-35-02, 15-35-03, 15-35-04, 15-35-05, 15-35-06, 18-12-07, 18-12-08, 18-12-09, 18-12-10, 18-12-11, 18-12-12, 18-12-13, 18-12-14, 18-12-15, 18-12-17, 18-12-18, 18-12-19, 18-12-20, and 18-12-21 of the North Dakota Century Code, relating to the construction of and fire prevention in educational occupancies.

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

SECTION 1. AMENDMENT. Section 18-12-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-12-06. Fire protection requirements Construction requirements. The following are the fire protection construction requirements which shall be included in the plans and specifications submitted for approval: schools are those contained within the state building code as defined in section 54-21.3-03.

- 1- Plans for additions to existing buildings shall include portions of the building being added to, showing existing exits and room occupancies which may be affected by such additions-
- 2- The following types of construction shall be as defined in the national building code recommended by the national board of fire underwriters-
 - a- Wood frame or ordinary construction shall be limited to one-story buildings of not over two classrooms-
 - b- Unprotected noncombustible or heavy timber construction shall be limited to one-story buildings-

- e- Protected noncombustible construction shall be limited to two-story buildings-
- d- Fire resistive construction - type A and type B shall not be limited in the size of the building-

For the purpose of determining the type of construction, a basement shall be considered a story when one-half or more of its clear height is above grade. All basement framing, walls, partitions, and ceilings shall be noncombustible type of construction-

- 3- In one-story construction, any open combustible attic sections, regardless of depth of area between the ceiling and roof, shall be subdivided into areas not exceeding three thousand square feet {278-71 square meters}, with noncombustible partitions-
- 4- Two hour firewalls with B labeled fire door with at least one and one-half hour rating and frame assemblies in openings shall be provided between school buildings of combustible construction and buildings of noncombustible construction-
- 5- Forming materials which are left in place as part of the permanent structure must be noncombustible in buildings of more than one story and noncombustible in one-story buildings in those areas required to be of a fire resistant nature-
- 6- In case of questions as to the interpretation of the law as to fire resistant materials, fire ratings established by the national board of fire underwriters and the national bureau of standards shall be used as a guide-
- 7- Subdivisions of a building of mixed occupancy which are separated by standard four hour firewalls shall be classified as separate buildings, and further provided, that any opening shall be protected by class A three hour closures-
- 8- In buildings where a fire resistive ceiling constitutes an essential part of a floor or roof assembly to meet the required fire resistant rating, it shall be installed as tested and may have openings to accommodate noncombustible piping, ducts, or electrical outlets. The aggregate area of such openings in the ceiling shall not exceed one hundred square inches {645-16 square centimeters} for each ninety square feet {8-36 square meters} of ceiling area, unless such equipment was a part of the test assembly. All duct openings larger than one hundred square inches {645-16 square centimeters} shall be protected with approved noncombustible fire dampers-

- 9- Partition construction of rooms having a capacity of less than two hundred persons separating them from corridors, shall have a fire rating of at least three-fourths hour, except doors. Such a separation may have one-fourth-inch {6-35-millimeter} wire glass in steel framing as a part of the partition with not more than a permissible ten percent of the aggregate wall area being combustible or where outside exits are provided from every room in the affected section, such partitions will not be required.

SECTION 2. AMENDMENT. Section 18-12-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-12-23. Electrical. All electrical wiring and apparatus shall be installed in accordance with the provisions of the state electrical law, rules, and regulations, and local ordinances, and the current edition of the National Electrical Code.

Electrical plans and specifications shall be reviewed by the state electrical board upon referral by the superintendent of public instruction, the board of higher education, and the state fire marshal, and complete inspection service with final certificate of compliance covering the electrical installation shall be made by the same agency, or by the local inspection authority where available.

In all school buildings an emergency lighting system shall be provided. All required exits shall be designated with illuminated exit signs and directional exit signs shall be installed where needed.

Exit emergency lighting circuits shall be installed in a metal raceway on separate circuits placed ahead of the main line switch.

No other wiring shall be in the same raceway or conduit which serves the exit and emergency lighting. All educational facilities shall be provided with exit marking, illumination of means of egress, and emergency lighting as provided for within the N.F.P.A. life safety code, standard 101, edition corresponding to that of the state building code as defined in section 54-21.3-03.

SECTION 3. AMENDMENT. Section 18-12-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-12-25. Reference data. The latest edition of the following data shall be used as reference and as an aid in the interpretation of this chapter:

1. National Building Code - national board of fire underwriters Uniform Building Code - international conference of building officials.
2. Building Exit Code The National Fire Codes - national fire protection association.

3. Fire Ratings of Materials - national board of fire underwriters - United States bureau of standards Uniform Mechanical Code - international conference of building officials.
4. National Electrical Code --national board of fire ~~underwriters~~ - national fire protection association.

SECTION 4. REPEAL. Sections 15-35-01, 15-35-02, 15-35-03, 15-35-04, 15-35-05, 15-35-06, 18-12-07, 18-12-08, 18-12-09, 18-12-10, 18-12-11, 18-12-12, 18-12-13, 18-12-14, 18-12-15, 18-12-17, 18-12-18, 18-12-19, 18-12-20, and 18-12-21 of the North Dakota Century Code are hereby repealed.

Approved March 1, 1985