

**FIRST ENGROSSMENT
with House Amendments
ENGROSSED SENATE BILL NO. 2316**

Introduced by

Senators Oehlke, Schaible, Grabinger

Representatives Dockter, Pyle, Guggisberg

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

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

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

11 **18-01-06. Fire chiefs and auditors or secretaries of cities and rural fire protection**
12 **districts must report fires.**

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

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

3 **18-01-33. State fire marshal may adopt rules for explosives - Penalty.**

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

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

14 **18-04-01. Eligibility for participation in fund created from premium tax on fire**
15 **insurance companies.**

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

20 1. a. Has been in actual existence for the period specified in this section;
21 2. b. ~~Meets~~Provides the minimum requirements for class 9 fire protection or better;
22 and

23 3. c. Has been in compliance with the requirements to report fires as set forth in
24 section 18-01-06.

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

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

1 **18-12-03. Plans and specifications.**

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

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

11 **18-12-05. State fire marshal.**

12 The state fire marshal and the chief of the fire department or fire protection district shall
13 approve plans and specifications for school buildings before construction is started. ~~The state~~
14 ~~fire marshal shall review public school building plans upon referral from the superintendent of~~
15 ~~public instruction or the state board of higher education. In the case of private school buildings~~
16 ~~the architects and engineers preparing plans shall submit them to the state fire marshal for~~
17 ~~approval. It is the duty of the architect or engineer preparing~~person that prepared the plans or
18 the person that is supervising the construction to notify the state fire marshal and the chief of
19 the fire department or fire protection district when the building has 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~~State and local fire and building codes.
- 26 2. ~~The national fire codes--national fire protection association~~
- 27 ~~3.~~ The National Electrical Code - national fire protection association.
- 28 3. The national fire protection association.

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