

# FIRES

## CHAPTER 246

SENATE BILL NO. 2328  
(Stenehjem)

### STATE FIRE MARSHAL DEPARTMENT SUPERVISION

AN ACT to amend and reenact section 18-01-01 of the North Dakota Century Code, relating to the appointment of the fire marshal.

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

SECTION 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~~ and supervise the operation of the state fire marshal department. The state fire marshal shall ~~have the management, control and supervision of manage~~ 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 legislative assembly from the general fund~~ investigation. The budget for the fire marshal department shall be submitted as part of the attorney general's budget.

Approved March 11, 1981

## CHAPTER 247

HOUSE BILL NO. 1343  
(Marsden)

## RURAL FIRE PROTECTION PROGRAM

AN ACT to amend and reenact section 18-02-07 of the North Dakota Century Code, relating to aid, contracts, and cooperation between the state forester and other entities; and to provide an appropriation.

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

SECTION 1. AMENDMENT. Section 18-02-07 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-02-07. COOPERATION OF FORESTER AND OTHER AGENCIES. The state forester may cooperate and contract jointly or severally with departments and agencies of this or other states, with federal agencies, with counties, townships, or other political subdivisions, including, but not limited to, rural fire protection districts, rural fire departments, municipal, and other corporations or with individuals to the best interest of the people and the state, in forest surveys, research in forestry, forest protection, including assisting fire departments in protection of forests and other resources and in assisting landowners to secure adoption of better forestry practice. He The state forester is specifically authorized to:

1. Cooperate and contract with the United States or any appropriate agency thereof to receive and use federal aid and matching funds which the state and its subdivisions may become eligible to receive.
2. Apply for, receive, and expend federal grants-in-aid and matching funds for ~~forest~~ and fire protection services.
3. Purchase ~~forest~~ and or otherwise acquire fire protection equipment to lease or sell to rural fire ~~protection districts~~ departments and generally to aid rural fire departments and rural fire protection districts.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and/or other income, the sums as hereinafter provided, or so much thereof as may be necessary, to the state forester, for the biennium beginning July 1, 1981, and ending June 30, 1983, for defraying expenses of the rural forest and fire protection program as follows:

Salaries and wages	\$ 22,000
Operating expenses	52,400
Equipment	500
Grants, benefits, and claims	<u>400,000</u>
Total all funds	<u>\$474,900</u>
Less estimated income	<u>274,900</u>
Total general fund appropriation	<u>\$200,000</u>

SECTION 3. INTENT. No part of the general fund appropriation provided in section 2 of this Act shall be used for any nonreimbursable expenditure.

Approved March 26, 1981

## CHAPTER 248

HOUSE BILL NO. 1267  
(Marsden)

## RURAL FIRE PROTECTION DISTRICT LEVY

AN ACT to amend and reenact sections 18-10-07 and 18-10-14 of the North Dakota Century Code, relating to rural fire district mill levies.

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

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

18-10-07. FIRE PROTECTION POLICY TO BE DETERMINED. The board of directors shall have the power and duty to determine upon a general fire protection policy for the district and shall annually estimate the probable expense for carrying out such contemplated program. Such 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 ~~not to exceed five mills~~ upon the taxable property within said district for the maintenance of the fire protection district for the fiscal year as provided by law. Said The tax shall not exceed five mills, except upon resolution adopted by the board of directors after receipt of a petition by not less than twenty percent of the electors residing within the district, the levy may be made in an amount not to exceed ten mills. 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; and

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.

In no case shall the amount of tax levy 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.

SECTION 2. AMENDMENT. Section 18-10-14 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

18-10-14. RATE OF TAX FIXED. The rate of tax for functions pursuant to this chapter shall not exceed for the purchase of rural firefighting equipment in rural fire districts which may be organized upon petition of sixty percent of the freeholders, comprising an area of one or more townships, or for the purpose of assisting and contributing to the purchase and upkeep of firefighting equipment in adjoining cities not more than five mills per dollar valuation upon the property in ~~such~~ the rural fire district except, upon resolution adopted by the board of directors upon receipt of a petition by not less than twenty percent of the electors residing within the district, the levy may be increased up to ten mills. The provisions of this section shall not limit the authority of the district to issue bonds and levy taxes for their payment in accordance with chapter 21-03.

Approved March 31, 1981