

## 69<sup>TH</sup> LEGISLATIVE ASSEMBLY

### House Bill 1112 - “Relating to membership of the NDPERS Public Safety Defined Benefit Retirement Plan.”

House Government and Veterans Affairs Committee

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Testimony Submitted by:  
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#### Purpose:

Chairman Schauer, members of the House Government and Veterans Affairs Committee, my purpose in testifying this morning is to explain the request to include state firefighters in subsection 8 of section 54-52-01, section 54-52-06.4, subsection 3 of section 54-52-17, and subsection 4 of section 54-52-17 of the North Dakota Century Code. Current language does not provide for an opportunity for state firefighters, including North Dakota Forest Service (NDFS) firefighters, to participate in the NDPERS Public Safety Defined Benefit Retirement Plan. This legislation seeks to remove barriers to participation.

#### Background:

NDFS wildland firefighters help ensure the protection of lives, property and natural resources by training and equipping North Dakota’s rural volunteer fire departments. Grant programs provide departments with assistance in training, purchasing or repairing equipment and vehicles. A companion program loans surplus federal equipment to departments for enhancing firefighting capabilities. Most importantly, when conditions deteriorate and local departments exceed their mutual aid capacity, the agency and our designated wildland firefighting staff provide essential firefighting resources during catastrophic wildfire events.

NDFS firefighters work alongside federal, state, tribal and local firefighters in and outside of North Dakota. They are a state and national shared resource, who regularly work for extended periods of time (assignments can last 21 days) while exposed to extremely hazardous environmental conditions. Wildland firefighters are regularly exposed to hazards on the job and during off-hours while sleeping outdoors at incident command posts and at fire camps. Some of these hazards include smoke and silicate inhalation, off-gassing from burning structures/vehicles, and chemicals used during the suppression of wildland fires. It is estimated wildland firefighters with five or more years in service who have spent 50-100 days (annually) exposed to environmental hazards are:

- Up to 43% increased risk of mortality from lung cancer
- Up to 30% increased risk of mortality from cardiovascular disease

Unlike structural firefighters, wildland firefighters do not use self-contained breathing apparatus (SCBA) or wear non-porous personal protective equipment (“turnouts”) while engaged in wildland fire suppression or prescribed burning.

Given the continued increase in intensity and duration of wildfires and the increased proximity to the urban interface and communities, wildland firefighters will continue to be exposed to environmental hazards and harmful chemicals. In 2024, NDFS firefighters worked 10,978 hours on fires.

Wildland firefighting is physically and mentally challenging for those in their 20s, 30s and 40s, it becomes progressively more difficult in their 40s and 50s. Offering earlier retirement opportunities than they currently have ensures that, as a state, we don't place an extraordinarily risk on firefighters in their late 50s and 60s. We recognize that placing an older firefighter on fire ground during a wildland fire emergency to protect individual lives and property, dramatically increases the risk to their own lives.

The draft bill was presented at the Employee Benefits Program Committee on Monday, June 17, 2024, and was given favorable consideration. There were however, some questions and concerns expressed by the committee. I'd like to address some of those concerns.

The number of NDFS firefighters that would potentially transition to the Public Safety Defined Benefit Retirement Plan is seven. The added costs and concerns about overall eligibility for the program was mentioned. Of the seven NDFS firefighters, only one employee's salary and fringe is supported by state appropriated general fund dollars. The other six's salary and fringe are supported by special funds. We are not aware of any additional firefighters from other agencies that would qualify for this benefit.

Another concern was that the agency was, or would be, hiring older employees closer to the Public Safety Defined Benefit Retirement Plan retirement age. Of the seven (7) full-time employees, 3 are in their early-mid 40s and have worked for the agency for a combined 28 years (15, 11, 2). One is in their early 30s and has worked for 8 years. Three are in their 20s and have worked for the agency for a combined 16 years (8,5,3). We are recruiting young firefighters at the beginning of their careers after working as seasonal firefighters for the NDFS. We have been successful during a time where other states and federal agencies have added bonuses and additional incentives to attract firefighters. In the last 5 years, we have also lost @21 firefighters to federal agencies and other western states. These firefighters represent a significant investment in time and money to develop their wildland fire qualifications. The environment the NDFS Fire Management Officer has created is helping us recruit and retain young employees that not only want a career in public service, but want to live in North Dakota.

The agency recognizes that this request changes the overall benefits to state firefighters and that when they were hired, they understood the benefits that they were eligible for. NDSU, and the state of North Dakota, provide an outstanding benefit package for full-time employees and we are very appreciative. This is an opportunity to provide a slightly different benefit package, comparable to what some local firefighters, and others that fall within the definition of public safety, are currently eligible for. It is an opportunity to recognize that, unlike most state employees, law enforcement, firefighters and other specialized positions, put their own lives at risk at work to protect the lives and property of others.

We greatly appreciate the ability to share the background and opportunity to consider including state employed firefighters, into the NDPERS Public Safety Defined Benefit Retirement Plan. There are a number of others that here today to testify and share their perspectives.

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