

69TH LEGISLATIVE ASSEMBLY

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

Senate State and Local Government Committee

March 6, 2025

Testimony Submitted by:

Tom Claeys, State Forester

Chair Roers, members of the Senate State and Local Government Committee, for the record, my name is Tom Claeys, North Dakota Forest Service - State Forester. The purpose of this bill is to provide an opportunity for state firefighters to be included in the NDPERS Public Safety Defined Benefit Retirement Plan. Current language excludes state firefighters from the plan, this legislation seeks to remove those barriers to participation.

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.

The draft bill was presented at the Employee Benefits Program Committee on Monday, June 17, 2024, and was given favorable consideration. HB 1112 also passed through the House Government and Veterans Affairs Committee. There were however, some questions and concerns expressed along the way. 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 limited and exclusive to firefighters, it does not include forestry staff. It is also not intended to include casual firefighters that may have collateral firefighting duties included in their job responsibilities. NDFS firefighters are provided time for physical fitness training during the workday to maintain rigorous fitness standards, are expected to pass a work capacity test and undergo comprehensive physicals annually. At this time, we are not aware of any additional firefighters from other agencies that meet similar fitness standards or firefighter classifications.

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 our 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). The agency has recruited young firefighters at the beginning of their careers, often after working as seasonal firefighters for the agency. We have been successful during a time when other states and federal agencies have added annual bonuses and additional incentives such as hazard pay to attract firefighters. Unfortunately, in the last 5 years, we have also lost @21 firefighters to federal agencies and other western states, so the competition for qualified firefighters is intense. Our firefighters represent a significant investment in time and money to develop their wildland fire qualifications. The NDFS Fire Management Officer has created an environment that is helping recruit and retain young employees that not only want a career in public service, they want to fight fire and they also 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 excellent 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 current definitions of public safety, are eligible for. It is an opportunity to recognize that, unlike most state employees.....firefighters, law enforcement, and other specialized positions, all put their own lives at risk at work to protect the lives and property of others.

We recognize that this bill touches the same sections of code as other bills. We understand and appreciate the work of the committee as you consider all bills and look forward to the opportunity to work with you moving forward.

We greatly appreciate the opportunity to consider including state employed firefighters into the NDPERS Public Safety Defined Benefit Retirement Plan. We also thank our partners who could not be with us today and who have submitted written testimony. I would stand for questions, while acknowledging that there are others here today prepared to testify and share their perspectives.

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