

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2183

2007 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2183

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2183

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 1/18/07

Recorder Job Number: 1373

Committee Clerk Signature

Veronica Spaulding

Minutes:

All members of the committee were present.

Sen. Dever, Chairman, opened the hearing on SB 2183.

Senator Jerry Klein from District 14 introduced the bill. He said it would be a help to the families of firefighters who have died to at least have a small financial relief in their time of need. He is a 29 year veteran of the Fessenden Volunteer Fire Department. Fire departments have a range of people who volunteer and offer this service to rural areas. This service is a big help to insurance companies. Past experience shows that it takes a long time to process Workmen's Compensation claims. It would be nice to have money ready at the time of need. He addressed the amount mentioned in the bill by citing there were 7 deaths since 1985, so \$50,000.00 seems to be a generous estimate of the fiscal impact. Only 3 firefighters have died since 2000.

Senator Oehlke asked if there was inconsistency in the language. Line 14 says "no paid", line 21 says "paid or volunteer".

Senator Jerry Klein said it does make sense when it is read in its entirety.

Senator Dever asked if firefighting was an "all hands on deck" operation.

Senator Klein said due to new technology and safety issues, fire departments are less able to accept untrained people to help fight a fire.

Senator Dever asked if the \$50,000.00 will create a permanent fund.

Senator Klein said they would like to establish a permanent fund. Maybe more can be added later.

Senator Dever said as he understands the bill, it will no longer exist after 2 years.

Senator Klein said he hopes that is not the case.

Senator Horne asked about line 15 and 16 where it mentions "within 48 hours. " He asked why that language is there.

Senator Klein said it would allow time for heart condition stress to manifest.

Senator Nelson asked if someone dies 30 days later, would he be covered.

Senator Klein said if it was related to the fire, he would be covered.

Senator Nelson said there should be wording added that says "as a result of....."

Senator Oehlke said it should also say "as a result of training..."

Senator Klein agreed with both of these suggestions.

Senator Nelson asked how they arrived at the \$10,000.00 figure.

Discussion revealed that it would be enough to help the family with their immediate need and it was based on the cost of a funeral.

Senator Nelson mentioned that the veterans' bill only allowed \$2,500.00 for dieing in the line of duty. She feels that should be raised to \$10,000.00.

Senator Klein did not disagree.

Senator Klein mentioned that there is even a death benefit in Workmens' Comp but it is so slow to actually get it to the family. They need immediate help.

Support: - Jim Poolman, ND Insurance Commissioner, spoke in favor of the bill. The money would be well deserved by the family. He recapped where the money will come from. Insurance companies that sell fire insurance pay a premium tax to the State Tax Commissioner.

Senator Nelson asked if he would have any trouble with adding "as a result of " or "as a result of training." Commissioner Poolman agreed both of those changes would be good.

Senator Dever asked if this creates a fund and provides for payments only for this biennium and whether it would have to be renewed.

Jim Poolman said this would have to be written into the current budget or would have to be renewed.

Senator Dever asked if it could be made into a continuing appropriation.

Jim said the wording would have to be changed with an amendment to do that. There was some discussion about the fire premium tax. Premium tax goes back to the fire district that it came in from.

Support: - Lois Hartman, Executive Director of the North Dakota Firefighter's Association, spoke in favor of the bill. See attachment #1.

There was discussion about whether a life insurance benefit or a death benefit are taxable or can be tied up in probate.

Support: - Joel Boespflug, representing the ND Fire Chiefs' Association, spoke in favor of SB 2183. See attachment #2.

Opposition: -

Neutral: -

Chairman Dever closed the hearing on SB 2183.

The committee will take action at a later date, pending three changes to the bill. The appropriation is to be on-going, The benefits are also to be paid out if the death is a result of firefighting even if it is beyond 48 hours later and even if the death occurred during training.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2183

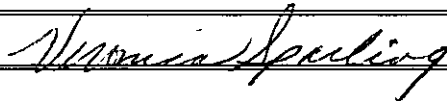
Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 1/25/07

Recorder Job Number: 1953

Committee Clerk Signature



Minutes:

All members of the committee were present.

Chairman Dever opened discussion on SB 2183.

Senator Oehlke made a motion to adopt the committee amendments to SB 2183.

Senator Nelson seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Senator Oehlke made a motion to pass the amended bill and rerefer the bill to Appropriations.

Senator Lee seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: Oehlke

FISCAL NOTE
Requested by Legislative Council
03/27/2007

Amendment to: Engrossed
 SB 2183

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$50,000			

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The proposed amendments to Engrossed SB 2183 do not affect the appropriation, which remains at \$50,000. Thus, this bill, as amended, requests \$50,000 from the general fund to create a firefighters death benefit fund as outlined in Section 3 of the bill.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

See explanation above.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

See explanation above.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

See explanation above.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

See explanation above.

Name:	Charles E. Johnson	Agency:	Insurance Department
Phone Number:	328-2440	Date Prepared:	03/27/2007

FISCAL NOTE
Requested by Legislative Council
01/29/2007

Amendment to: SB 2183

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$50,000			

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The amendments to this bill do not affect the appropriation, which remains at \$50,000. Thus, this bill, as amended, requests \$50,000 from the general fund to create a firefighters death benefit fund as outlined in Section 3 of the bill.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

See explanation above.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

See explanation above.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

See explanation above.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

See explanation above.

Name:	Charles E. Johnson	Agency:	Insurance Department
Phone Number:	328-2440	Date Prepared:	01/29/2007

FISCAL NOTE
Requested by Legislative Council
01/11/2007

Bill/Resolution No.: SB 2183

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations			\$50,000			

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill requests \$50,000 from the general fund to create a firefighters death benefit fund as outlined in Section 3 of the bill.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

See explanation above.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

See explanation above.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

See explanation above.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

See explanation above.

Name:	Charles E. Johnson	Agency:	Insurance Department
Phone Number:	328-2440	Date Prepared:	01/16/2007

Date : 1-25-07
Roll Call Vote # : 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. amendment to 2183

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken _____

Motion Made By Oehlke Seconded By Nelson

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date : 1-25-07
Roll Call Vote # : 2

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2183 as amended

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 70535, 0101 0200

Action Taken do pass with amendment and rerefer to appropriation

Motion Made By Rehlke Seconded By Lee

Senators	Yes	No	Senators	Yes	No
Senator Dick Dever - Chairman	✓		Senator Robert Horne	✓	
Senator Dave Oehlke - VC	✓		Senator Richard Marcellais	✓	
Senator Judy Lee	✓		Senator Carolyn Nelson	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Rehlke

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2183: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "an" with "a continuing"

Page 1, line 15, after "dies" insert "from an injury sustained"

Page 1, line 16, after "emergency" insert "or training activity"

Page 2, line 18, after "amount" insert "of up to fifty thousand dollars per biennium, as may be necessary, are" and replace "by the legislative assembly" with "on a continuing basis for deposit in the firefighters death benefit fund"

Page 2, line 19, remove "must be deposited in the firefighters death benefit fund"

Page 2, remove lines 25 through 29

Renumber accordingly

2007 SENATE APPROPRIATIONS

SB 2133

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2183

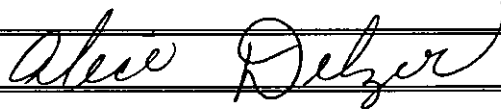
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2681

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the Appropriations committee to discuss SB 2183 relating to establishing a firefighters death benefit fund; and to provide a continuing appropriation.

Senator Klein introduced the engrossed SB 2183 and fiscal note. He stated that this bill is to supply a little relief for a family of a fallen volunteer or paid firefighter. This would supply ten thousand dollars as soon as the Insurance Commissioner was notified. We have lost 3 firefighters in the last six years.

Senator Krauter asked if this was a continuing appropriation.

Senator Klien said that the committee's intent was to make it a continuing appropriation. That was the intent of the amendments that were carried. Senator Klein said that this would not interfere with Workers Compensation. This bill would allow for immediate payment.

Senator Krauter asked if they would receive two death benefits.

Senator Klein said that if they could prove that the death was related to the fire they would get two benefits.

Senator Mathern asked Senator Klein if we could just fix it with WSI?

Senator Klein said that there were two issues:

1. WSI is not going to pay out \$10,000 in less than a week.

2. The issues are to try to move this along faster. It is also an opportunity to provide something for the volunteers.

Senator Mathern said that he thought it was an excellent benefit but he also said that they should try to fix the problem with WSI.

Lois Hartman, Executive Director ND Fire Fighters Association testified in support of SB 2183. Not everybody will qualify for WSI coverage. This bill would pay immediately upon notification of death providing funds for the family to take care of their immediate funeral expenses. It may take months and sometimes years for families to prove their case for Workforce Safety Coverage. She said that they have had 5 deaths in the line of duty since 1981. This bill would provide a needed service and encouraged the committee to vote a Do Pass.

Senator Christmann asked what the standard is in this bill. He gave the example of the Hebron firefighter that died of a heart attack a day after the fire fighting. He asked if the death has to be at the fire.

Lois Hartman said the Fire Chief has to verify that it is in fact a line of duty death. She said that in the Hebron situation it was over a year before WSI paid out the benefits.

Senator Krauter asked how much the death benefit was?

Lois Hartman answered that six thousand dollars was the last figure she saw.

Senator Krauter asked if that was adjusted periodically.

Senator Holmberg told the committee that the continuing appropriation out of the general fund is not something you see. He asked if the sponsors of the bill had looked at any other sources of funding for the bill.

Lois Hartman said the Insurance Commissioner's intention was to have a line item in his budget to cover this appropriation and that it would be a part of his budget that is submitted to the committee.

Senator Tallackson asked about the fee charge.

Lois Hartman said that she believed the insurance premium tax is already collected and this appropriation would come out of the collection of insurance premium tax dollars that were already collected and distributed back to the fire district. The money that is not distributed will go into the general fund. This appropriation would be taken from those premium tax collections before the money is deposited into the general fund.

Mr. Tallackson asked if it was meant to pay in fifty thousand and it is not really general fund money.

Jim Smith LC said that the way it works is the extra money in the trust fund goes to the general fund at the end of the biennium.

Mr. Tallackson said he thought that we had to have an appropriation to take it out of that fund.

Mr. Smith said the way the law is written any extra money at the end of the biennium goes into the general fund. So if you take the money prior to the biennium it wouldn't go to the general fund. That is why the fiscal note shows a reduction of the general fund by fifty thousand dollars.

Lois Hartman further explained that these insurance premium tax dollars do not go to the insurance reserve fund, these are premium tax dollars those are license and fines. She said that there is a cap on the fund and money left over goes to the general fund. Every March insurance premium tax dollars go into fund 248, the distribution fund. When that appropriation is met then the access dollars are transferred to the general fund. We are talking about insurance premium tax dollars in this bill.

Senator Krauter asked if the appropriation that is made by the Legislature is based upon the formula.

Lois Hartman said that the distribution is on a complicated formula. They look at the amount of premium times what is brought in by each fire district and that percentage of the total is repaid back to that district.

Senator Holmberg closed the hearing on SB 2183.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2183

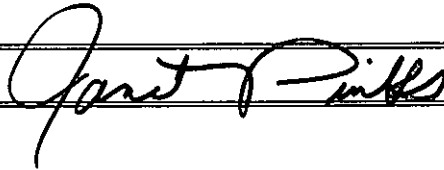
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 02/09/07

Recorder Job Number: 3275

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on SB 2183 discussing this bill would pay a firefighters death benefit.

Allen Knudson of Legislative Council discussed the monetary side of the bill.

Discussion ensued about the process of paying out the death benefit, having this purpose go through WSI, the process of determining if the death was related to a fire, who determines how the firefighter died.

Senator Wardner moved a DO NOT PASS on SB 2183, **Senator Krebsback** seconded, discussion followed. A roll call vote was taken resulting in 9 yes, 3 no, two absent.

The motion carried for a DO NOT PASS. **Senator Wardner** will carry the bill.

Chairman Holmberg closed the hearing on SB 2183.

Date: 2/4/07
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2183

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken D N P

Motion Made By Wardner Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm		✓	Senator Elroy N. Lindaas		✓
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer			Senator Tom Seymour		✓
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson		
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 9 No 3

Absent 2

Floor Assignment Wardner

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
February 9, 2007 1:35 p.m.

Module No: SR-28-2759
Carrier: Wardner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2183, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed SB 2183 was placed on the Eleventh order on the calendar.

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2183

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2183

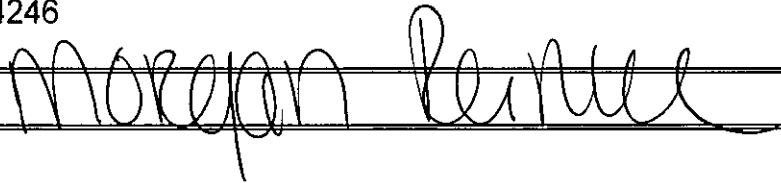
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4246

Committee Clerk Signature



Minutes:

Sen. Klein: *I guess last summer on the many trips we make back and forth from the city, as I was driving along and thinking. I am a volunteer fire fighter. I was thinking about the meeting that evening and how we go out, the training we have, and the risks we take. As I was driving along I was wondering if there wasn't a way to deliver some sort of benefit, some sort of little benefit that would help a family in their time of need if we would lose a firefighter. We volunteers take on a bigger role. As I was driving I called the insurance commissioner and said I had an idea about creating a firefighters fund. I asked him what he thought and in a couple of weeks we had something drafted. What we have here is a special fund that the insurance commissioner would administer. What it would do would be in the event of a death of a firefighter, during, on their way, or within 48 hours of a fire, or training we would provide this \$10,000 death benefit. The money would come out of the premiums tax. The reason being is that we as volunteers or as paid firefighters, what do we in each community is generally assessed and rated as to the protection that they have determines the insurance premium that you have in your community. So we feel that it is certainly a reason that we belong out there and doing what we do. The number that is in here is a collection of \$50,000. The question was as we worked this through is where do we get it from? That is a number that we drew from. As*

we discussed this and as we'll hear from the ND Firefighters Association (NDFFA). They are going to tell you about the fact that we have lost seven firefighters in 25 years. That is kind of where we got this and how it arrived at that. With that the issue is trying to provide that little bit of financial security for their family if they have lost a loved on in their line of duty. With that I would entertain any questions.

Rep. Schneider: This looks like sure and certain relief. How does it correlate with benefits payable by Workforce Safety?

Sen. Klein: The WSI benefits will still come to the firefighter. Just about every volunteer firefighter is covered under the city or under our own policy. The idea however is that WSI works through the rules and gets all the medical information and provides for that benefit which will still be paid to that fallen firefighter, it takes time. The idea here was that this would be an immediate turn around that within days that the family would know that there is some financial security. We do believe that we still do cover them but this is an additional benefit for those volunteers or paid professionals.

Rep. Wolf: What is the WSI? Is there a set amount?

Sen. Klein: There are kind of two amounts if I'm not mistaken. We have the one amount that deals with a married firefighter who would essentially be in line for a \$250,000 death benefit paid over a period of time. There is also a smaller benefit that is paid to a single person which is like 12% of what the family benefit is. The amount is more like \$12,500. In addition to that there still would be a burial expense covered with that also.

Rep. Wolf: Would being a member of the NDFFA or the other agency in our state count?

Sen. Klein: I will allow the NDFFA explain that there might not be two but there maybe another one that would like to be the other one.

Rep. Wolf: The question that I have is do they offer any type of death benefit through the

association itself?

Sen. Klein: No. not to my knowledge.

Rep. Weiler: We heard a bill earlier that dealt with a little bit of a WSI issue. Say a firefighter has a heart attack during a fire, my question is that is there going to be an issue determining how this firefighter dies? Is he still going to get this benefit if he dies on his way home? I would hate to see some conflict arise and I'm wondering if there is any outline for this.

Sen. Klein: Just a brief history of what happened in the Senate. This might address that. It came out of the committee unanimously and went to appropriations. It didn't do very well there. One of there biggest discussions was a heart attack. If you listen to the history, not one of those seven fire fighters had a heart attack. The issue generally surrounds whether or not they had their heart attack on the way or the day later was related to the fire itself. When it comes to WSI yes it needs to be proven. In this case I guess we might just be taking advantage of the system because you could die within 48 hours of the fire, I think your fire chief will probably know and relate that. The gentleman that did pass away was 71 years old. There happened to be two fires that day. So there is an issue. Some of us have talked about whether or not we should be going through physicals. We would lose half of the firefighters because we are a bunch of volunteers and we make up a lot of different shapes and sizes and age groups in our community. Just to single out the heart victims is what we want to cover here. It is pretty easy. My friend who happened to be the grocer in Sherwood was the first victim of the Sherwood fire. We were pretty close and it was a sad day when I heard about the fire. It was pretty easy to determine whether or not he died because of the result of the fire, in most cases it is. In this particular case of the victim from Hebron it took a little more work to prove that it was actually heart related. I hope I answered the question. I kind of came a long way around that. Eventually over in the appropriations committee I was able to convince those folks that we

aren't going out there, we aren't trying to be sloppy out there because everyone wants to come home. It's very difficult to come and tell someone's wife that their husband isn't coming home. We go out and train hard. I said this and said it over in the Senate. We hope we never ever use this fund. We continue to train, practice and do whatever we can to make this safe and careful. We use every precaution that we can so that everyone comes home.

Rep. Weiler: First of all I would like to imply that this is a fine idea. With the 48 hour rule, my concern would be a firefighter that gets injured, is in serious condition in the hospital for a week then dies. Are they going to still be covered?

Sen. Klein: Yes. I believe that it was initially started, the cause being the fire. In the case of the other Sherwood firefighter who after six months eventually passed away it was a direct effect.

Rep. Weiler: The \$50,000 is this going to happen every biennium or is this going to be replenished if the unfortunate incident should occur.

Sen. Klein: The thought is that it is a continuing basis. We believe that this will be there until it may be used up. Then it will be replenished.

Rep. Weiler: If it is a continuing appropriation of \$50,000 gets put in?

Sen. Klein: I think he will be able to explain it. As I read this, they have adjusted it in the committee over there for a continuing basis for depositing in the firefighters death benefit. My understanding is that whatever money earned that it will just continue to build into that.

Rep. Froseth: I don't want to name any individuals but in an event of a serious injury to a fireman that does affect his life forever, and probably shorten his lifespan, and he will eventually die from injuries that were probably caused by that fire maybe 15-20 years later. Would this benefit still work? How are you going to make that determination? His life was shortened and his death was caused by that original issue. He should be able to benefit off of this as well.

Sen. Klein: You know I guess that will be the call of that local fire chief. We look at those issues. The paid firefighters have to go through a lot of training. We hold a presumption clause over their heads. In our case it would be a lot more difficult to prove that because we don't take the physicals and we don't look at what their background is, and what their everyday risks are. I can't answer that. I would appreciate that because it is a good question. I haven't thought that through. My assumption would be that if a fire chief who knew these individuals knew it was a direct result of that, it would fall way beyond of saying it was a direct cause of their death.

Rep. Amerman: Some of the differences that I see in this, and I like this, is that in WSI you have to prove by 51% that it is caused by the fire. Another thing they do not do is that they know a death benefit is my understanding, is that how you see it as a comparison type thing?

Sen. Klein: I think I would agree with all of that. It was as we sat through the WSI interim discussions and listened to how that process works. Often times I have asked WSI at the end of the day when we heard these bills, if I would be covered if I had a heart attack. Those are the issues that did make it more difficult for our family. When you listen to that and think about the fact that no one goes to these fires unless they have to. When the sirens go off we drop what we are doing and your heart starts racing. In this case of the seven firefighters we have only seen one that has done that.

Rep. Kasper: The way I read the bill, on line 18, it states clearly that upon receipt of evidence that the death occurred while responding to, during, or 48 hours after responding to the fire. The way I read that, it's clear. It's not 5 years from now or 10 years from now. You might have a heart attack before you get out the door and you're dead. Then your family would receive the \$10,000, or while your there, during, or 48 hours after it doesn't say what the cause of death has to be. It just simply says that under those circumstances the death benefit will be paid. If it would be 49 hours after, it says no.

Sen. Klein: I think you are reading it fairly close. I think that maybe the 49 hours would be close. We are trying to set some sort of parameter here. If you have a heart attack a week later, it gives you a stretch. The issue is within that time and having gone through that. Especially in the summers we have had that are hot and dry. You end up going a couple times a day. The grass is about knee high and you are dragging stuff, it is hard. You would know within that 2 day period if it is related to that incident or not.

Rep. Kasper: You said in your opening statement that you have lost seven firefighters in the last 25 years. That is \$70,000 in 25 years. If this fund would have been in effect, it would have been paid out. Did you investigate with Mr. Poolman simply having this bill state that the death benefit is paid out of the premium tax fund and you don't need a segregated fund at all?

Sen. Klein: No. It is all about finding a funding source around here. We were just kind of like how do we start this, can this be improved? There are opportunities to improve this. That is why we have a Senate committee and the House look at it. If we can find a way to improve this, we need to. At that point when we drew this up we hadn't gotten all of the information that we needed yet. We were looking to get something drafted and moving forward. Since then I have gotten the numbers.

Rep. Schneider: I think this is a good bill. I'm wondering why this isn't under Chapter 65? Why couldn't we make this work? It seems to me that we are traveling in uncharted waters, having the insurance commissioner determine if the injury was fire related. It seems to be that if you put it under Chapter 65 that you could say the same language that if the death benefit occurs within 48 hours, the family gets \$10,000 and the administrative process can play out as well.

Sen. Klein: Chapter 65 is the WSI rules, correct?

Rep. Schneider: Yes.

Sen. Klein: Well I was approached to that. I did suggest that I wasn't interested. I liked the fact that the premium tax dollars are a direct result of what volunteers and paid professionals do. In this particular case we needed to fund out of that particular fund. Could that have worked? I don't know. I had an opportunity to do that but I wasn't interested. I thought in pursuing it this way would give it a better outlook and a cleaner opportunity to get away from the administration and allow someone to make our decision. I just don't believe that anywhere in the state of ND we are going to abuse this.

Rep. Grande: This is all fine and good and I'm not criticizing it because it is a very small amount of money for the work that is done. My only concern comes from the devil's advocate side of this. You talked about all shapes and sizes, ages, etc. I go home and my firefighters have to go through very rigorous, physical training and maintain it on a daily basis. They are required many hours of training. We pay a tremendous amount of money in Fargo for our firefighters to have these benefits, yet we aren't requiring anything of these people. We are just giving it to them because they did a good thing.

Sen. Klein: You hit it because we are just doing a good thing. This started as volunteers. We understand the rigorous training that those guys have. We understand that they are highly paid and they are covered by many other things. We are volunteers. We have no other dollars that come into our pockets. It's just a good thing.

Rep. Grande: The 72 year old guy that is running out there to do the good thing, is that prevailing?

Sen. Klein: There are some that are healthy. In the case of that man he was in the truck. Sometimes we take the older guys as drivers, hydrant guys, etc. There are some guys that have the respect of jobs. WE don't try to put them in harms way at all. In this particular case I don't know what this gentleman was doing or how much effort he had to make. As volunteers

we don't get the whole group out there for the fire. People still have their own lives and they may be out of town. When they blow that whistle a second time we know that there aren't enough folks out there. That is where you find some of the retired guys showing up. We try to put them in positions that aren't going to affect their health. I don't see that being the norm.

Jim Poolman: *I had the opportunity and the privilege to work with Sen. Klein to put together what I think is a very valuable bill for the people of ND, not only the firefighters that are protecting all of you but those of you who need the protection from those firefighters. In response to Rep. Grande's question, I think it is a valuable one from the standpoint that all one has to do is look at the Bismarck rural Fire Department. It has both paid folks and unpaid volunteers on staff that is protecting people in rural Burleigh County. That is why the bill is constructed the way it is and that is why I see it as valuable. One thing I want to mention to you folks is why the premium tax? We do a collection of premium taxes to our office. There is a distribution to fire districts based on a pro share of the premium that is collected in respect of fire districts across the state. That is why it makes perfect sense that the dollars paid under this benefit come out of the premium tax. The premiums that you all pay for your homeowners insurance in part is a distinct correlation between the closeness of a fire department to your home and that is part of what you pay in your homeowners insurance is based on. That is why there is a very good correlation. Part of the reason why the benefit is paid out of our department because we collect those dollars rather than moving that death benefit under a different chapter of WSI. I'm very supportive of the bill. I think it's a very good idea. One of the things that was mentioned to me was how much discretion is there under the bill. The bill is very tight from the standpoint of allowing this discretion. One of the questions that was brought up earlier is what happens if somebody were to suffer from injuries and then pass away a week later. WSI benefits would still apply under this. Typically if there is an injury and*

somebody was to suffer then pass away; those would not be indefinable injuries such as a heart attack where it is hard to determine what the cause was. Those would be more serious injuries where someone would be hospitalized for the length of time. But, the point is very well taken.

Rep. Weiler: If \$50,000 were taken out each biennium, will that do any long term damage to that?

Jim Poolman: The way I read the bill is that if there were a \$10,000 claim in that biennium, then the fund would be shored up at the beginning of the biennium. There wouldn't be a continual \$50,000 added. If claims aren't made money isn't deposited.

Rep. Weiler: That covers my concern. I was thinking that we needed to cap this. If that is the intent then good.

Jim Poolman: That is not my intent. Under the way the bill is written, it is not to continue to grow that particular fund.

Rep. Weiler: That does bring up a point that maybe we shouldn't look at capping this fund at \$100,000. If we get an unfortunate incident where 7 firefighters die in one fire, I would like them all to be covered.

Jim Poolman: That is a very important public policy statement that you can make in this bill. If there is one large incident and the hours available don't cover, I would agree. We would certainly want to make sure of that.

Rep. Froseth: I was just wondering if there was a need to establish another fund. Couldn't we amend this so we could make this payment out of the existing fund? This fund is kind of a mystery to me. I know a certain percent from all the insurances go into but how much reserve do we have on this fund? This is basically used for firefighting equipment.

Jim Poolman: Let me give you a little bit more background. I might have been a little sketchy.

We distribute approximately \$6.2 million in a biennium to local fire districts. Every insurance policy under about 5 different lines of insurance, homeowners, farm owners, etc. Every policy that is written and every company when they submit their annual statement to us by March 1, they have to actually give us a schedule of a premium written for those 5 lines of insurance in every individual fire district, and there are a lot of them across the state. Then we combine all of those numbers together. All of the premium that was specifically collected in every one of those fire districts. Out of the \$6.2 million we then make a distribution to every one of those fire districts, come about September or October, based on the 3.1 per year. We split that out on a percentage basis based on the dollars collected in premiums in that specific district. In some cases these rural fire districts only get a couple hundred dollars. Some of the larger districts like Fargo and Bismarck, it may be \$150,000 give or take. Those dollars are specifically used for equipment and other ways of beeping at the district. When you get into the rural areas you only have a couple hundred bucks which barely buys boots for the volunteer. Those dollars aren't necessarily used for other benefits for those firefighters. That is why. In the second part of your question, yes you could take out the funds specifically but there has got to be an appropriation put into the bill to allow us to do that. That is why we set up the funds. We can't just give them authority to write checks without a specific appropriation.

Rep. Froseth: How much reserve do you keep in that fund?

Jim Poolman: Actually the premium tax that is not distributed by appropriation within my budget bill actually flows right to the general fund. We keep no reserve of premium tax within our department. That is all that is left.

Rep. Haas: Did you say that it is \$6.2 million per biennium?

Jim Poolman: Yes. There is another smaller appropriation of \$100,000 something dollars that pays the dues to the associations and the training that goes on.

Rep. Meier: How much money was left to float through the general fund this last biennium?

Jim Poolman: The total premium tax collection that comes off all the insurance policies is in the tens of millions of dollars. I think it was 33 or 34 million that flowed to the general fund that wasn't appropriated.

Louis Hartman: Testimony attached.

Rep. Wolf: You mentioned in your testimony that the National Public Safety Benefits, do you know how much that is?

Louis Hartman: It is adjusted annually. It's about \$270,000. I don't know exactly.

Rick Graba: Testimony attached.

Rep. Karls: You mentioned in your testimony that there are 300 men and women of the professional firefighters. Do you have an idea of how many volunteer firefighters that we have?

Rick Graba: I believe there is close to 7,700 are volunteers.

Rep. Haas: Is there any other testimony for SB 2183? If not we will close the hearing on SB 2383.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2183

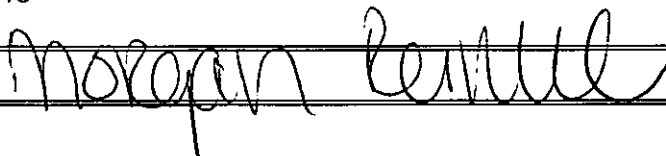
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: March 2, 2007

Recorder Job Number: 4249

Committee Clerk Signature



Minutes:

Rep. Weiler: I don't know how quickly we need to do this but I want to propose an amendment on this that we cap this fund at \$150,000. The information that we received is that it is a continuing appropriation of \$50,000 will go in every biennium. Mr. Poolman said he didn't quite see it that way but rather than taking a chance on it, if we would cap this at \$150,000 then the fund that this money comes from would be rated so to speak every biennium. We would have enough money in this fund that we are creating to have enough in the event of an unfortunate incident.

Rep. Haas: We will wait for your amendment, we just need to get it out by next week Thursday.

Rep. Wolf: Could he do an additional amendment? Rep. Schneider and I were talking and you guys talked about this during the hearing. On the first page where it talks about if someone died while responding to, during, or within 48 hours, could we do something in terminology to include as a direct result. So within a week of an incident would be covered. It wouldn't be up to putting liability on the commissioner to say yes or no. It would cover all of that.

Rep. Grande: I think it does that when it says injuries sustained while responding to, during, or within 48 hours?

Rep. Schneider: I spoke with commissioner Poolman afterwards and he is preparing an amendment with something along those lines.

Rep. Dahl: I agree with Rep. Grande because it is language. If you were responding to it then it doesn't matter if you die three weeks after or during it. It is a separate category. There are three options there.

Rep. Grande: It is actually doubled because those three options pertain to a fire emergency.

Rep. Haas: I think the question is, does the death have to occur within 48 hours after the fire call? Is that not the question?

Rep. Dahl: On second reading, I think you are right. While responding to would be during.

Rep. Haas: Well we will wait for Rep. Weiler's amendment and see what Commissioner Poolman brings.

Rep. Potter: The point of the bill to me was this money was to be money that they would get due to a fast situation where the other money would take awhile to get. If it is a death a year from the fire that we talked about, to me that isn't the point of the bill. At that point you have all the time to be preparing to get all the stuff you need. To me the point of this bill is more immediate deaths. If there were thoughts to extending it to a time period, I would be opposed to that.

Rep. Kasper: There may be another unintended consequence of the language. On line 16 page 1 It says who dies from an injury sustained while responding to, during, or 48 hours after. They are intending to cover heart attack and stroke as well as an injury. I think we need to fix that to add something to the injury part.

Rep. Haas: Would you want to work with Rep. Weiler and combine that within the other amendment?

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2183

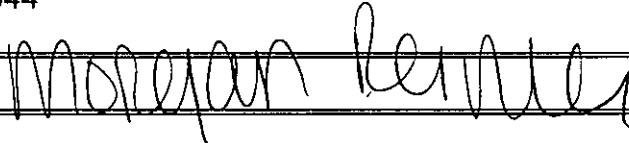
House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4644

Committee Clerk Signature



Minutes:

Rep. Schneider: This is an amendment that was brought forward by commissioner Poolman to help clarify some of the language with regards to what exactly we are covering here as far as the 48 hours. Simply all it does is adds after occurred on page 1 line 19 the words from an injury sustained. There were some questions in committee with regards to the 48 hours that happen if you suffer injuries then die.

Rep. Amerman: From an injury sustained, if you have a heart attack within 48 hours, is that an injury sustained?

Rep. Schneider: I think that would be left up to the discretion of the insurance commissioner to decide.

Rep. Froseth: If you want to make it either or, all you have to do is add the word 'or' in front.

Rep. Haas: The idea here was that the 48 hours, if that is observed and someone gets seriously hurt responding to the fire emergency and ends up in the hospital and dies, a strict interpretation of this may say they aren't eligible. This was intended to say that if the death occurs within 48 hours or from an injury sustained at some time later, they are eligible for the benefit. That is the explanation that Commissioner Poolman got.

Rep. Schneider: I move the amendment.

Rep. Wolf: I second that.

Rep. Haas: Is there any more discussion? If not we will take a voice vote on the amendment.

All in favor say 'aye' all opposed say 'no'. The amendment is carried.

Rep. Schneider: I move a do pass as amended.

Rep. Meier: I second that.

Rep. Haas: Is there any further discussion on the bill as amended.

Rep. Weiler: Does this go to Appropriations?

Rep. Haas: This does need to go to Appropriations.

Rep. Schneider: My motion is a do pass as amended and re-referred to appropriations.

Rep. Wolf: Rep. Weiler when you checked on page 2, were we going to cap that?

Rep. Weiler: I looked into it and found out the Senate would not like that. They felt it was fine because the fund would be replenished as needed.

Rep. Haas: Is there any more discussion? If not we will take a roll call vote on a do pass as amended and re referred to appropriations. The motion passes with a vote of 11-0-2. Is there a volunteer to carry this?

Rep. Meier: I will.

Date: 3-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number SB 2183

Action Taken move amendment

Motion Made By Rep Schneider Seconded By Rep Wolf

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman			Rep. Bill Amerman		
Rep. Bette Grande VC			Rep. Louise Potter		
Rep. Randy Boehning			Rep. Jasper Schneider		
Rep. Stacey Dahl			Rep. Lisa Wolf		
Rep. Glen Froseth					
Rep. Karen Karls					
Rep. Jim Kasper					
Rep. Lisa Meier					
Rep. Dave Weiler					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Rep

If the vote is on an amendment, briefly indicate intent:

Date: 3-8-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

SB 2183

Action Taken

DO Pass as amended & refer to other approp.

Motion Made By

Rep. Schneider

Seconded By

Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Rep. C. B Haas Chairman	X		Rep. Bill Amerman	X	
Rep. Bette Grande VC	X		Rep. Louise Potter	X	
Rep. Randy Boehning			Rep. Jasper Schneider	X	
Rep. Stacey Dahl	X		Rep. Lisa Wolf	X	
Rep. Glen Froseth	X				
Rep. Karen Karls	X				
Rep. Jim Kasper					
Rep. Lisa Meier	X				
Rep. Dave Weiler	X				

Total (Yes)

11

No

0

Absent

2

Floor Assignment

Rep. Meier

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2183, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 19, after "occurred" insert "from an injury sustained"

Renumber accordingly

2007 HOUSE APPROPRIATIONS

SB 2133

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2183

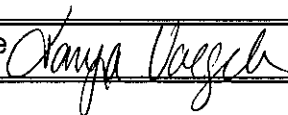
House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 3/21/07

Recorder Job Number: 5409

Committee Clerk Signature



Minutes:

Chairman Carlson opened the hearing on Senate Bill 2183.

Senator Klein explained the bill.

Chairman Carlson: Is this for full time and volunteer firefighters?

Senator Klein: Yes.

Representative Kroeber: According to the fiscal note this is general fund money?

Senator Klein: That was not the intent initially. I am not sure what the house did.

Chairman Carlson: What were your thoughts about this?

Senator Klein: In working with the Tax Commissioner we talked about the Insurance Tax Distribution Fund where generally the money that comes in there is what they rake off of insurance companies. It is because of the fact that we are providing the fire protection service in the communities.

Representative Kempenich: What do you envision the payout to be per fire fighter?

Chairman Carlson: \$10,000

Senator Klein: That would be \$10,000 on a death of a fire fighter or volunteer.

Representative Glassheim: As I read it the money is coming from the Premium Tax which

goes into the general fund. So it is not really a general fund appropriation. But it does reduce the general fund.

Chairman Carlson: The only question I would have is that a full time fire fighter, Representative Skarphol, Representative Kempenich and myself have all been on IB&L like you are, there is a death benefit from Workers Comp. There is a cash payment on death benefit that would be received by fire fighter who died in the line of duty, which is not available to the part time fire fighters where there is no Workers Comp premium paid out. So one guy is technically going to get twice as much as the other one, because of the fact, he is going to get a death benefit out of Workers Comp plus this one. Am I correct?

Senator Klein: In general, most of those small communities for example, in Fessenden the city pays the Workers Comp Premiums so we are covered for that level of \$250,000 as are the city paid professionals. However the paid professionals have an additional benefit I believe that the city pays. The idea here is to get the \$10,000 in to that family's pocket in a week or two. The processes for the Workers Comp could take longer.

Jim Poolman, Insurance Commissioner, was asked to come up and answer some questions.

Chairman Carlson: How does the money flow from the premium tax and end up here?

Jim Poolman: The way the bill is written here is that the ND Insurance Department collects the premium tax; we would take a portion of that premium tax and set it aside in the Insurance Department to pay out any claims that would potentially arise.

Chairman Carlson: Give me the total picture again on the money how the money flows from the total fund, you keep so much and the rest goes to the general fund?

Jim Poolman: There are special appropriations if you remember from my budget 2010, where we pull out a certain amount that is appropriated by the legislature to hold back when collecting

the premium tax to distribute the fire districts, that is exactly what we would do here is that we would just hold that amount back before sending it on to the general fund to be able to make the distributions.

Chairman Carlson: they are showing this as a \$50,000 affect on the general fund. I am assuming that they do that because it is \$50,000 less that you are going to send from that premium tax.

Jim Poolman: That is correct.

Chairman Carlson: What percentage that you collect goes to the general fund today?

Jim Poolman: We hold back about \$6.3million dollars give or take for the distribution to the fire departments and then the total tax collections are about \$36-37million.

Chairman Carlson: So you are running about \$ 30million back to the General fund?

Jim Poolman: That is correct

Representative Kroeber: How do the dollars get into the Fire & Tornado Fund?

Jim Poolman: When looking at the Fire & Tornado Fund you can consider that like a mini insurance company. Those are premiums paid to us that we hold in a separate fund to cover any losses on state buildings.

Representative Kempenich: What are the exceptions if it drops below \$9million?

Jim Poolman: We raise or decrease premiums based on the health of the fund. If you go back to my original budget presentation we have actually dropped premiums because the fund is getting healthier because we have not had the catastrophic losses like we did in 2001. Post 2001 we had to raise premiums related to the Fire & Tornado Fund and actually we had to negotiate reinsurance to the Fire & Tornado Fund also.

Representative Kempenich: It is \$9million correct?

Jim Poolman: It is \$12million.

A motion was made by Representative Thoreson, seconded by Representative Skarphol for a DO PASS recommendation to the full committee.

Roxanne Woeste: I hate to mention this but at the current time as the way the bill sits the Insurance Commissioner does not have the authority to spend the money out of the fund.

The motion was withdrawn.

Chairman Carlson: We will clean it up.

Senator Klein: Thank you.

Chairman Carlson: Roxanne, will you draft an amendment to clean it up?

Roxanne Woeste: I will do some research so that I get the correct language.

A motion was made by Representative Skarphol, seconded by Representative Thoreson to adopt amendment to authorize a continuing appropriation authority contingent on the correct form and language. Motion carried by voice vote.

A motion was made by Representative Thoreson, seconded by Representative Skarphol for a Do PASS AS AMENDED recommendation to the full committee. The committee vote was 8 Yeas, 0 Nays, 0 Absent and Not Voting. The bill will be carried by Representative Thoreson.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2183

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: March 21, 2007

Recorder Job Number: 5398

Committee Clerk Signature

Minutes:

Rep. Svedjan: We have amendment .0202 being circulated.

Rep. Thoreson: Amendment .0202 is a printed version of a verbal amendment which the government operations section approved this morning. I would make a motion to move the amendment.

Rep. Carlisle: I second that.

Rep. Thoreson: Just for a brief bit of information, SB 2183 is introduced to establish a firefighter's death benefit fund. The fund would be in the state treasury and it would allow for the insurance commissioner to pay \$10,000 from this fund to the estate of a firefighter who dies from an injury sustained while responding to or during a fire or training. It does have a \$50,000 general fund appropriation. However that money flows through from the insurance tax distribution fund. The purpose of the amendment to get back to that is as we were approving this this morning, Roxanne pointed out to us that the wording in the original bill as it came to us would not allow for the insurance commissioner to make the payments to the state. We added language allowing an appropriation on a continuing basis to the insurance commissioner and removed the word subject to legislative appropriation. Also if you look at the amendment there is wording on page 1 line 19 which deals with wording from an injury sustained. This actually was approved by the House Government and Veterans Affairs committee. In checking with

legislative council since we are going back, we do need to approve that language also. That is the intent of this amendment.

Rep. Wald: On page 1 line 16 it says 'die from an injury'. If this firefighter dies of a heart attack, no benefit will be awarded?

Rep. Thoreson: I'm not certain about that. I don't believe that it came up in our discussion this morning on the bill. Perhaps it was in the House Government and Veterans Affairs committee.

Rep. Wald: I think there was something that was done in WSI about the firefighters.

Rep. Skarphol: Part of the discussion with regards to this particular bill and appropriation is that there are those who are eligible for WSI benefits upon death. However that takes up to six months to get accomplished in most instances. It was felt there were a real need to help these folks earlier in there injuries. Therefore some of them would be subject to be eligible for both.

Those who are not eligible for the WSI benefit being on a volunteer basis would get this benefit immediately and be able to be helpful to a family in an event for a need of finances.

Rep. Wald: If they died of an accident they could collect the WSI and from this fund, is that correct?

Rep. Skarphol: That was my understanding. Those who are professional firemen are eligible for WSI. Some of those who are volunteer only, are not eligible for the same benefits.

Rep. Carlson: Just a point of information. In the last 25 years we have had 7 fatalities of firemen in the line of duty. We hoped there wouldn't be any but this establishes that security. We did not dig into the information of whether a heart attack when you are working is considered an injury or not.

Rep. Wald: I don't want to hold up the bill but it seems to me that we ought to define injury. If one of these guys dies of a legitimate heart attack that is not an injury. If he falls off of a

building or a ladder or whatever, that is an injury. If he has a heart attack I don't think it's an injury.

Rep. Skarphol: I think it was the consensus of our committee that if this gentleman died trying to prevent a fire death on someone else's part it was a legitimate expense to give some benefit to that family.

Rep. Wald: I'm not opposed to it because it is only \$10,000. There aren't that many of them. I just think it needs some further definition to be sure. I'm not going to hold it up.

Rep. Aarsvold: Line 16 has a reference of a 48 hour time frame. Can someone help me understand what that includes?

Rep. Thoreson: Our section looked only at the fiscal impact. We did not question any of the policy in the bill.

Rep. Wald: I would interpret that to read that the person would have to die within a 48 hour period after the accident to be considered. I think that is how it is intended to read.

Rep. Aarsvold: It could certainly be a lingering situation that would extend beyond 48 hours. Obviously tied to an injury resulting from a fire call. I have a bit of difficulty with the 48 hour language.

Rep. Kempenich: The prime sponsor was the only one who showed up this morning. He did indicate that in the past hearings the fire people have been following this closely. They said this was one of the first times he hasn't been here. We didn't hear a lot about the bill.

Rep. Skarphol: We have a bit of a dilemma between Rep. Wald and Rep. Aarsvold. One thinks it's too far open and one thinks it's too closed. The policy committee did answer the question as best they could and said this committee should leave this as is.

Rep. Svedjan: Is there any more discussion?

Rep. Thoreson: The only other comment I have as I'm looking here and as the bill was

originally introduced with the language or 48 hours so this has been through policy committees and hasn't been changed.

Rep. Bellew: I'm not really sure what the purpose of this bill is. I think I do know what it's for. The biggest thing is I'm almost sure that providing death benefits and such to our firefighters is what we are doing.

Rep. Svedjan: Any more discussion? Seeing none we will take a voice vote on adopting the amendment. All in favor say 'aye' all opposed say 'no'. The motion carries.

Rep. Thoreson: I would move a do pass as amended for SB 2183.

Rep. Skarphol: I second that.

Rep. Svedjan: Any more discussion? If not we will take a roll call vote on a do pass as amended motion for SB 2183. The motion passes 24-0-0. Who will carry this?

Rep. Thoreson: I will.

Date: _____
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2183

House _____ Appropriations- Government Operations _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 10535.0208

Action Taken Adopt Amendment 1a/ Voice vote

Motion Made By Skarphol Seconded By Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

a continuing appropriation with carryovers.

Date: 3/21/07

Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 0183

House _____ Appropriations- Government Operations _____ Committee

☐ Check here for Conference CommitteeLegislative Council Amendment Number 70535. 0202Action Taken Do Pass As AmendedMotion Made By Thoreson Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson	✓		Vice Chairman Ron Carlisle	✓	
Rep Keith Kempenich	✓		Rep Bob Skarphol	✓	
Rep Blair Thoreson	✓		Rep Eliot Glassheim	✓	
Rep Joe Kroeber	✓		Rep Clark Williams	✓	

Total Yes 8 No 0

Absent _____

Floor Assignment Thoreson

If the vote is on an amendment, briefly indicate intent:

Date: 3/21/07
Roll Call Vote #: _____

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2183

House Appropriations Full Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number 70535. 0202

Action Taken Adopt amendment 0202

Motion Made By Thoreson Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleason		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Vote carries

Date: 3/21/07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2183

House Appropriations Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass as amended by 0202

Motion Made By Thoreson Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleson	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 24 No 0

Absent 0

Floor Assignment Thoreson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2183, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2183, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 932 of the House Journal, Engrossed Senate Bill No. 2183 is amended as follows:

Page 1, line 10, after "fund" insert "and is appropriated on a continuing basis to the insurance commissioner" and remove ", subject to legislative"

Page 1, line 11, remove "appropriation"

Page 1, line 19, after "occurred" insert "from an injury sustained"

Renumber accordingly

2007 TESTIMONY

SB 2183

attach #1

NORTH DAKOTA FIREFIGHTER'S ASSOCIATION SB 2183

Mr. Chairman and members of the Senate Government and Veterans Affairs Committee, my name is Lois Hartman. I am the Executive Director of the North Dakota Firefighter's Association. I appreciate the opportunity to appear before you today to support Senate Bill 2183.

This bill provides a needed benefit for the firefighters of North Dakota without having a large financial impact to the state as there have been only five firefighter fatalities in the line of duty since the Sherwood incident in 1981.

The North Dakota Firefighter's Association is promoting the "Everyone Goes Home-Courage to be Safe" program. This is a safety program sponsored by the National Fallen Firefighters Foundation to reduce the Line of Duty Deaths in the United States. North Dakota has one of the lowest rates of LODD in the nation, but one death is one too many. It is hoped the "Everyone Goes Home-Courage to be Safe" program will further reduce the injury and death of firefighters nationwide and in North Dakota.

SB 2183 will provide a death benefit immediately following the death of a firefighter. The death benefit from Work Force Safety Insurance and the National Public Safety Officer Benefit may take years to receive if the firefighter's family qualifies for benefits. Mr. Chairman and members of the committee, I respectfully request a Do Pass on this bill to provide an immediate benefit to the family of a firefighter lost in the line of duty.

Testimony on Senate Bill 2183
Senate Government & Veterans Affairs Committee

By Joel Boespflug

January 18, 2007

Good morning Mr. Chairman and members of the committee. My name is Joel Boespflug, and I am representing the North Dakota Fire Chief's Association. We sincerely thank the bill sponsors for introducing the proposed legislation and, of course, thank you for your time in considering the bill.

While we pray that we never have to experience a firefighter death in our careers, we must accept that a significant amount of risk is inherited with the fire fighting profession. For the fire service, this risk can be measured by three simple sentences: 1) We will risk nothing to save what is already lost, 2) We will take some risk to save property, and 3) We will take great risk to save a life.

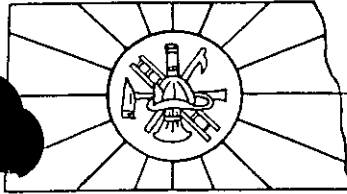
The firefighters' death benefit fund is a great symbol of respect to the fire service and to firefighters across the state who will take risk to help others in need. I encourage you to support this bill, and I will be happy to answer any questions that you may have.

*North Dakota
Firefighter's Association*

P.O. Box 6127 • Bismarck, ND 58506-6127

Phone: 701-222-2799

Fax: 701-222-2899



**NORTH DAKOTA FIREFIGHTER'S
ASSOCIATION
SB 2183**

Lois Hartman, Executive Director

Mr. Chairman and members of the House Government and Veterans Affairs Committee, my name is Lois Hartman. I am the Executive Director of the North Dakota Firefighter's Association. I appreciate the opportunity to appear before you today to support Senate Bill 2183.

This bill provides a needed benefit for the firefighters of North Dakota without having a large financial impact to the state's budget as there have been only five firefighter fatalities in the line of duty since the Sherwood incident in 1981, that I am aware of.

The North Dakota Firefighter's Association is promoting the "Everyone Goes Home-Courage to be Safe" program. This is a safety program sponsored by the National Fallen Firefighters Foundation to reduce the number of line of duty deaths in the United States as well as firefighter injuries. North Dakota has one of the lowest rates of line of duty deaths in the nation, but one death is one too many. It is hoped the "Everyone Goes Home-Courage to be Safe" program will further reduce the injury and death of firefighters nationwide and in North Dakota. Firefighters are willing to risk a lot to save a life, risk a little to save property and will risk nothing to save what is already lost. This philosophy is a part of who they are and what they do. The Courage to be Safe program supports that philosophy.

SB 2183 will provide a death benefit immediately following the death of a firefighter. The death benefit from Work Force Safety Insurance and the National Public Safety Officer Benefit may take years to receive if the firefighter's family qualifies for benefits. This benefit will have no effect on those benefits.

The membership of the North Dakota Firefighter's Association is very appreciative of Senator Jerry Klein for bringing this bill forward and for the sponsors of the bill. Your support of the fire service is appreciated. Mr. Chairman and members of the committee, I respectfully request a Do Pass on SB 2183. Thank You.

SB 2183

Mr. Chairman and members of the committee, my name is Rick Graba. I am a fire captain from Bismarck. I am here today representing President Ed Grossbauer and the 300 men and women of the Professional Fire Fighters of North Dakota. PFFND members proudly serve and protect over 37% of North Dakota's population in Fargo, Bismarck, Grand Forks and Minot.

We are here today in support of SB 2183. This bill would give much needed immediate relief to the families of fallen firefighters. When a firefighter gives their life to protect the citizens and property of North Dakota, this would be a great gesture to the family they have left behind. Fortunately, statistically, this fund would not be used very often. A search of fallen firefighters shows only 5 instances from 1981-2005 when North Dakota Firefighters have lost their lives in the line of duty National Fallen Firefighters Foundation. That would have been only \$50,000 over 24 years. We are sure you would agree that is a very, very small price to pay considering what ND's firefighters give to this state, just in terms, of personal commitment and sacrifice.

With rural communities struggling to find volunteers to fill vacant positions on their fire departments National Volunteer Fire Council -- Testimony and national campaigns to promote Firefighter Safety Everyone Goes Home -- Courage To Be Safe Program this bill would send a message to North Dakota Firefighters that their efforts are appreciated, and that you support your firefighters. We are doing our best to protect ourselves and improve service to the citizens we protect. We ask that you please help our families if we are called upon to make the ultimate sacrifice. The PFFND ask that you support SB 2183 and recommend a "DO PASS". I will be happy to answer any questions you may have.

Thank you,
Rick Graba, PFFND and PFFB