

2017 HOUSE POLITICAL SUBDIVISIONS

HB 1380

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivision Committee Prairie Room, State Capitol

HB 1380
2/3/2017
Job # 27903

- ☐ Subcommittee
☐ Conference Committee

Cameron Hick

Explanation or reason for introduction of bill/resolution:

Relating to the authority of the ND firefighter's association; and to provide a legislative management study

Minutes:

1

Chairman Klemin: Opened the hearing on HB 1380

Rep. Guggisberg: (Proposed amendment 17.0915.01001-attachment #1) (Time :20 to 4:30) Introduced the bill HB 1380 is an attempt to put into statute responsibilities for ND Firefighters Association and to provide for a study. Years ago ND Firefighters Association was a social organization. It has developed into the states training organization. And has received significant state funds. There is a chapter in the Century Code that talks about the roles and responsibilities of the Firefighters Association. There is also a governor's order as what their duties are. This bill is to clarify what their duties are and to get rid of the governor's order, so we don't have the mission in two different places. Discussed the proposed amendments. The role of the Firefighters Association has changed over the years and due to the growth in the training they provide and coordinate and the public funds uses, they were thinking it would be good to get feedback from the Legislature as to how the organization is run. It is a unique organization as we are the only state that has firefighter training not specifically under a state agency, it's through a non-profit organization. It is a shall consider study.

Rep K. Koppelman: You mentioned it is a non-profit organization, what kind of oversight is there currently? What is the interplaying between the state and the association?

Rep. Guggisberg: Since there are public funds they work with OMB. the funding comes from the ND Firefighters fund, premiums on the fire insurance that doesn't go back to the local fire departments goes to the Firefighters Association.

Rep K. Koppelman: Is there currently some reporting on the use of money? Is there interaction with accountability or oversight somehow?

Rep. Guggisberg: They are audited and they do have Constitution Bylaws.

Rep. Johnson: Is the association is a qualified charitable organization?

Rep. Guggisberg: I might have used the wrong word; they can clarify exactly how organization works.

Rep. Johnson: Your schooling or training is provided by a not for profit? But then Rep K. Koppelman asked if the association was not for profit, which I assume means organized under the state of North Dakota with approval.

Rep. Guggisberg: (Inaudible)

Vice Chairman Hatlestad: Basically if you look at your amendments you are trying to standardize training everybody's is going to do the same type of training?

Rep. Guggisberg: No, it's to set up a plan so they can identify the needs in the state and have a plan to address those needs. There are certification standards, and 90% of the firefighters in North Dakota are volunteers, requiring following standards could be hard to do.

Rep K. Koppelman: Does the Fargo Fire Dept. adopt standards or certifications, that are standard of the industry, but more stringent than a small town volunteer fire dept.? And do those come through this association?

Rep. Guggisberg: We in Fargo follow the NFPA standards for training, which is certified through Pro-board. Recently the association has been working creating their own policies so now they are the certification organization through using Pro-board. This will allow for fire departments like mine who would like to be certified to this standard to have a state organization.

Jonathan Hildremyr, President of ND Firefighters Association: We have been around for 133 years, some of this needed to be updated. We have a chapter in the Century Code and an executive order from governor. The executive order is from 1977. We are going through an employee handbook for member's job description roles and level of responsibility trying to get back to our core mission is. It has grown into a training association and because of other groups weren't as active at the time or didn't exist, the NDFA had to take over and it got bigger and got away from the core mission. Our plan is to get back to our mission, which is to train and certify firefighters of the state. This is not a blanket training for the entire state. There is a standard we must follow but the terrain in ND is different so all areas do not receive the same training.

Chairman Klemin: Where are you from?

Mr. Hildremyr: I am a captain on the Bismarck City Fire Department.

Rep. Longmuir: In our rural fire departments you said we have fireman 1, fireman 2, it that some of the training your organization does?

Mr. Hildremyr: Yes, we have Pro-board certifications. We offer firefighter 1 and firefighter, 2 levels, and are in the process of doing instructor 1 level and building a fire officer 1. The

firefighter 1, if you got on a fire department today you would go through a firefighter 1 program. You have to prove that you met a standard, you complete testing and become certified as a firefighter 1. This means you have the basic skills to operate at a fire ground. Then you can advance to firefighter 2, it's advanced and you can take charge of crews. Instructor 1 you get certified to become an instructor and go out and teach the standard. Our fire officer 1 that we are working on, would be the same type, except our lieutenants, our captains, the men and women that are in charge of the crews that are responding, they would be taking that class. We hope to keep expanding to different levels of instructor maybe even chief officer classes.

Chairman Klemin: Closed the hearing on HB 1380.

Vice Chairman Hatlestad: Made a do pass motion on the amendments.

Rep. Beadle: Second the motion.

Voice vote carried

Vice Chairman Hatlestad: Moved a do pass on HB 1380 as amended.

Rep K. Koppelman: Second the motion.

Carried 14 yes, 0 no, 1 absent

Carrier Rep. Hanson

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1380

Page 1, line 9, replace "Approve" with "Develop and adopt"

Page 1, line 10, replace "Provide firefighter" with "Coordinate fire service"

Page 1, line 11, replace "Certify firefighters who complete required" with "Establish procedures to govern the certification process for firefighter"

Renumber accordingly

Date: 2-3-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1380

House Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: 17.0915.01001 (Guggisberg)

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Hatlestad Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin			Rep. Guggisberg		
Vice Chairman Hatlestad			Rep. Hanson		
Rep. Beadle					
Rep. Becker					
Rep. Ertelt					
Rep. Johnson					
Rep. Koppelman					
Rep. Longmuir					
Rep. Maragos					
Rep. Pyle					
Rep. Simons					
Rep. Toman					
Rep. Zubke					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voice Vote Carried

Date: 2-3-17
Roll Call Vote: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1380

House Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: 17.0915.01001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Hatlestad Seconded By Rep. K. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin	/		Rep. Guggisberg	/	
Vice Chairman Hatlestad	/		Rep. Hanson	/	
Rep. Beadle	/				
Rep. Becker	/				
Rep. Ertelt	/				
Rep. Johnson	/				
Rep. Koppelman	/				
Rep. Longmuir	/				
Rep. Maragos	/				
Rep. Pyle	/				
Rep. Simons	/				
Rep. Toman	/				
Rep. Zubke	/				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. Hanson

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

REPORT OF STANDING COMMITTEE

HB 1380: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1380 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "Approve" with "Develop and adopt"

Page 1, line 10, replace "Provide firefighter" with "Coordinate fire service"

Page 1, line 11, replace "Certify firefighters who complete required" with "Establish procedures to govern the certification process for firefighter"

Renumber accordingly

2017 SENATE POLITICAL SUBDIVISIONS

HB 1380

2017 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB 1380
3/10/2017
Job # 29012

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to the authority of the North Dakota firefighter's association; and to provide for a legislative management study.

Minutes:

No written testimony

Chairman Burckhard opened the hearing for HB1380. All senators are present.

(1:52-4:22) John Hildremyr, Current president of the North Dakota Firefighter's Association. In support of HB 1380. As a board brought this to the representatives to bring forward. I testified on the House side. Basically the NDFA has been around for 133 years. Over those time obviously a lot has changed and a lot of growing. Back in 1977, there really was only the Firefighters Association and the State Fire Marshall office were the voice for the firefighters. The governor at the time signed in an Executive order giving the NDFA some additional authority in the state and as you know we are outlined in Chapter 18. In the last 40 years of course more has change. We've grown quite a bit. We are expanding what we do. But our core mission has always been in training and now we are training and certifying the firefighters in the state on three different levels. What we want to do is get some of the stuff that has been in the old executive order and there is actually a current one that was signed in by Governor Dalrymple before he left office. There is another association now, the ND Fire Chiefs Association. They have been able to grow and be better organized and they are able to help out with some of the stuff that doesn't pertain to the training side of it. So, in cooperation with their board and our board, we've come with this items out of the two executive orders that we would like to be put into chapter 18 which is what the committee have in front of you. If this were to go through and become Century Code, once the session is over and everyone is able to relax; I don't see a need to have an Executive order anymore. We feel that is we just get these items put into century code, they would be a little more fluid in operation for us. We are just trying to get everything little more current and get us back to our core mission which is the training of the fire fighters in the state.

Sen. D. Larson: So currently you an executive order from the Governor every 4 years or every year, in order to carry this out, so this all just kind of makes it more consistent? Is that how I understand that right?

Mr. Hildremyr: There is an Executive order first given in 1977, and it covered a couple of items. Over the years it was believed to have been in effect. A lot has changed over 40 years. Now they found out it had been purged so they went to try and get it reinstated and somehow a bunch of other items got put in there. We took a look at it after it was signed, unfortunately, and determined things that we do and things that aren't in the previous NDFA. We worked in cooperation with the Chiefs Association to determine what it was that we needed and instead of having Executive order we felt, that if we got this into Century Code, it would be a one and done deal. We don't need an Executive order giving us authority in all these other areas. There are other groups out there such as the Chiefs Association who are able to pick up where we aren't able to do things. So, we are kind of trying to streamline it.

Sen. D. Larson: The Fire Chiefs Association? **Mr. Hildremyr:** Yes, there is a North Dakota Fire Fighter's Association, which is our association, and we are the ones that are responsible for providing training and certifying fire fighters to different levels. Then there is the ND Fire Chiefs Association. They are the chiefs of the departments of our state and they work together to try to come to groups like the legislature for money, for budgeting their own departments, they work with us on recruiting and retention of fire fighters throughout the state. It has become a much better partnership between the two. Both groups work for the whole as a fire service. We're not for the career side or the volunteer side, most of us have been on the career and volunteer side, I come from a small rural fire department before I got on here, so we kind of understand both sides. Our mission is to and improve the fire service as a whole in the state.

Sen. Kannianen: Section one is to develop and adopt a statewide training then to coordinate that training and establish procedures for the governance of a certification process and so forth and then then the Legislative Management study to study the duties and the role of the Firefighters Association. Would there be any benefit to doing the study first before the full statewide development and implementation of all this training, or if you do full development in Section one, is there a need for the study in Section two?

Mr. Hildremyr: As far as the first one, we are basically already doing that. It is the clean-up the language in 18. Last week in February we just completed the required state fire school up in Minot. We have to have a state level fire school every year. We trained over 900 firefighters alone that weekend. On top of that we have regional fire schools that we go out throughout the year. We've got classes on the computer. From those classes we go out and we have changed how we certify fire fighters in the state. We now have a 3rd party that oversight, and it's called Parole Board. So we are having to follow certain procedures and policies and we test to certify, so it's not just people going out and handing out certificates. These guys are actually certified in the different fields that they are being certified in. That is part one. We wanted it in Century code because that is our mission. As far as part two, the study. We've been fighting with this internally for a long time as we are trying to get opinions as to are we a state agency or are we not a state agency. None of attorneys that we get a hold of can tell us yes or no. If we are a state agency, then we have one set of rules to go by so we are doing things correctly. That would be the purpose of the study.

Sen. J. Lee: What is your relationship from the legal standpoint with the State Fire Marshal, then, does he authority over you? Do you act as an advisory group to him? Tell me how that works out?

Mr. Hildremyr: Right now it's more or less just a working relationship. There is really no authority that his office holds over us. With the study and the right set of circumstances we would be open actually under the Fire Marshal's office if that's what is recommended from the study. Ourselves and the Chiefs Association kind of feel that this is a natural fit, and just kind of lead as far as the fire service in the state, so if we fall under him, it would be like the training branch or whatever it would be called. It wouldn't be a bad idea. We try to maintain open lines of communication with the Fire Marshal's office. In Century Code chapter 18 we have to hold an annual business meeting, so every June we hold our convention and it rotates throughout the state, so we have our briefings and we give reports as to the current activity and we elect our officers. The Fire Marshall comes in and gives reports.

Sen. J. Lee: In Century code 18-03-01, talks about you are constituted, and you need to be in compliance with the Constitution and bylaws of the association; you're directed to hold annual fire schools as you mentioned and then you have to give a report to the Office of Management and Budget, so you're right. You've got these ties and you have to provide a bond and you have to submit a desired appropriation to the OMB, so it's kind of odd that your sort of an orphan in a way, but with a good uncle or something.

Mr. Hildremyr: That is just one of the major reasons we are looking at doing this, so that we can clean up some of this old language that we had in our job descriptions, by-laws. That would be one of the purposes of the study is to hopefully finally get some answers to some of these questions we've been battling for many years.

Sen. Anderson: You asked for an appropriation every year, so is that how the money comes to your organization for their activities? Who funds the State Fire School, the facility there and so forth?

Mr. Hildremyr: Our Executive Director, June, has to have a budget into OMB, that goes through the process as you all know. On top of that we do go out and our Executive Director does a very good job going out and getting us grants. That provides for some of the training that we do. We've got some partnerships that helps pay for the State Fire School and such. The reason we've been able to grow so much in providing this training is that we've been able to is because of the funding that we've gotten through here and also through the grant. We are looking forward in the future to try and figure out in case with everyone tight on money after the next biennium. We are trying to prepare for that also. We do get funding through OMB in Appropriations.

Sen. J. Lee: Whether or not you every work with any of the assistant attorney's general on rules or anything of that sort? Do you have someone that advises you?

Mr. Hildremyr: We have worked in the past. We've actually tried to get an opinion on whether we are a state agency or not from the Attorney General's office. That was one of those that came back kind of maybe. We've gone down many different avenues trying to get that answer and that was one of them. We work more with the State Fire Marshal's office, but we have worked with them in the past.

Sen. J. Lee: We can't every be guaranteed that a study is going to be chosen. So what I am wondering is if you would be receptive to an amendment that says that the Firefighters Association and the Fire Marshal's office would collaborate with an assistant Attorney General in developing legislation that would clarify your position. You all are the experts, unless somebody here is a firefighter here and I don't know it. We aren't! So, I am not trying to provide you with work that you don't really want to have, but you will want to be engaged in that discussion anyway, and so it seems to me. Sen. Anderson and I have done with a couple of other groups in Human Services, where we are not the experts here, but the idea that you might work with the stakeholders, if it doesn't get chosen that is another option if it doesn't get chosen as a study, you could ask the Fire Marshal's to collaborate with you and your department, you would be able to include an assistant AG, even if he didn't, because you'll need somebody to draft the kinds of language that there is.

Mr. Hildremyr: If the study weren't to go through, that is something we could bring back to our board. I am done in June, but the 1st vice president is going to take over as president, and I could bring this to him and with our relationship with the Fire Marshal's office that we could try to work towards that as need be.

Sen. D. Larson: If you would be able to do that even without it being put into the Century Code for you to direct you to do that? If the study wasn't chosen you would still be able to just informally get together and then bring something forward to us in the next session, right?

Mr. Hildremyr: If a study doesn't go through, we would want to sit back and wait. We would be proactive to try to do something else. We'll make sure we bring that back to our board. We have a meeting in April and I will bring that up as a contingency plan but yes we will keep going after it, if it doesn't work out here.

Renee Loh: Secretary of Firefighters Association did not testify, but gave support to the bill.

Chairman Burckhard closed the hearing on HB1380.

Sen. Diane Larson moved a do pass on HB 1380.

2nd Sen. Anderson

Discussion:

Sen. Anderson: You know that I agree with Sen. Lee, inferences that this could be restructured in order to say that they should do the study with the fire marshal and so forth. But I think we should go this way, and I think your comments given the idea they can move ahead a little bit with that on their own if this doesn't pass.

Chairman Burckhard: Roll call vote 6-0-0

Carrier: Sen. Kannianen

Date: 3.10.2017
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1380

Senate Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Diane Larson Seconded By Sen. H. Anderson

Senators	Yes	No	Senators	Yes	No
Chairman Randy Burckhard	✓		Senator Jim Dotzenrod	✓	
Vice-Chairman Howard Anderson	✓				
Senator Jordan Kannianen	✓				
Senator Diane Larson	✓				
Senator Judy Lee	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Kannianen

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

REPORT OF STANDING COMMITTEE

HB 1380, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1380 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1380

HB 1380

2-3-17

#1

17.0915.01001
Title.

Prepared by the Legislative Council staff for
Representative Guggisberg
February 2, 2017

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1380

Page 1, line 9, replace "Approve" with "Develop and adopt"

Page 1, line 10, replace "Provide firefighter" with "Coordinate fire service"

Page 1, line 11, replace "Certify firefighters who complete required" with "Establish procedures to govern the certification process for firefighter"

Renumber accordingly