

**2011 HOUSE POLITICAL SUBDIVISIONS**

**HB 1313**

# 2011 HOUSE STANDING COMMITTEE MINUTES

## House Political Subdivisions Committee Prairie Room, State Capitol

HB 1313  
February 4, 2011  
Job #14005

☐ Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

Relating to authorizing firefighters to solicit charitable contributions from motorists in cities.

### Minutes:

Testimony 1, 2 3

Chairman Johnson: Opened the hearing on HB 1313.

Rep. Guggisberg: I am here today on behalf of my profession as a fire fighter. This would allow cities to decide on their own whether or not they can do what is called a fill the boot in the street. In 1953 in Boston a neighbor of a fire fighter had two sons with Muscular Dystrophy and he went over and talked to the fire fighter and said they are having a hard time raising money's to try and find a cure for this and asked if the fire fighters could help out. So this fire fighter started going door to door just asking people for money. Eventually the more he could fit into his pockets so he went and got his fire boot and continued to go door to door and kept filling it up so that is where fill the boot came from. The next year he went to our International Convention and we decided as an organization this was going to be our charity of choice so since then it has built from just Boston and the east coast and it is all across the country now. There are 1300 cities nationwide doing fill the boot. The vast majority do it in the street the way this bill recommends. Each year the number continues to grow. Because of doing this fill the boot in the street the IFF is the number one contributor to the Muscular Distrophy Association and since this began we have raised \$380 million. In 2004 I had the honor of going to the International Association of Fire Fighters Convention and we had a lady named Jenny Stepnick speaks to us. Her son was previously the NDA chairperson. He passed away in 2004 and was 11 years old and he was taken to the grave site in a fire truck. She told some great stories about how his father left after all the difficulty they had with this disease so the fire fighters took him on and took him to soft ball games etc. At the end of her presentation we all lines up and made a commitment to this cause so that is the history behind it. We do many different things to raise money for MD. In Fargo we don't do the fill the boot in the street. We do it in grocery stores; raffles and an ultimate fighting championship and carried a boot around and collected money that way. To be honest it is not nearly as effective as doing it in the street. Our community doesn't allow us to do this right now, but I really think for those that do want to we should leave that option up to them.

Rep. Shirley Meyer: Why would you get more money in the street? Wouldn't you get more in a grocery store?

Rep. Guggisberg: You would think so, but the thing is all this money is raised basically twenty five centers and five dollars at a time so typically what happens is there is much more traffic than people going into a grocery store so it is just that many more people digging into their coffee cup holders and taking the change out and putting it in the boot. There is no pressure. The city of West Fargo does this as well, but they do it in a parade. I think this bill would help them do that in a parade too.

Rep. Koppelman: Do the fire fighters who are professional like you as a line of work; would you do this during your duty hours or free time?

Rep. Guggisberg: In the bill you can do it either way. For the most part I think people do it off duty. It is similar right now the city of Fargo is asking business communities to volunteer time to fill sand bags. Sometimes the community may say hi since MD is your charity of choice we will allow you to do this one thing a year on duty. It is easier to get volunteers when you force people. It is more effective if we can have fire trucks setting off to the side with the lights on.

Justin Adolph, President of the Professional Fire Fighters of ND: I have three different testimonies for you today. (See testimony #1, 2 & 3). Read them.

Rep. Koppelman: Thank you. Hopefully I think people appreciate what you folks do. As the bill is written it seems to me it is a special carve out for fire fighters. What if the police wanted to do this or someone else? Would you be opposed to something more general in language that allowed the city to do it at their discursion?

Rep. Guggisberg: If that is what the committee thinks will be best yes certainly. We are afraid the whole pan handling thing we don't want that to come up and we don't want a bill that allows pan handlers and that is why this is so narrow that it can't be mistaken for anything but MDA fill the boot.

Rep. Koppelman: Maybe we could craft it so that the city could decide on what groups could do it. It is just a thought.

Laura Hochsprung, Executive Director of the Muscular Dystrophy Assoc. of ND: Another reason why the street corners work so well we have a captivated audience. We should do our best to let the community know what is going on in those three days and as they are stopped at that stop light we are right there. No in an intimidating way, but very noticeable. Instead of people coming in and getting groceries this is a much broader number of people that are coming through any given intersection. Whether it is done on or off duty that depends on each city. Of those 1300 that are currently doing it the vast majority of them are on duty and the reason for that it is easy to get them to the location then. It is also a huge team building thing. Something that the whole fire department gets behind and can be very proud of that in those three days they raise this amount of money and they are out there building their relationships with their fellow fire fighters. It doesn't hinder their services while they are there. If a call comes in everything is dropped. We have volunteers

that are there in case of those emergencies that do arise and they handle what they need to do. That is of course their first priority on those days. MDA and what we do in ND. We are helping two people with muscular diseases. MDA annual funds 350 research projects worldwide spending roughly \$45,000,000 a year to find a cure for these diseases. We also set up a clinic research network by committing \$1 million a year to 10 different VA clinics to speed that research process along. Outside of research we provide a lot of different services locally like clinic visits and flu shots; repairs to wheel chairs and leg brace as well as the summer camp. In ND we fund a local clinic at Stanford Health in Fargo. Grants provided by the MDA to that clinic have exceeded \$17,000. We see over 130 patients annually. So over the last five years we have invested \$85,000 into that clinic. The week long summer camp we have over 30 campers that come each year. It is completely free to them and their families so they can just come and enjoy themselves. Over the last five years with the summer camp we have spent over \$120,000. MDA also funds two different support groups right now. We have one of ALS patients and their care givers as well as a general group for any of the neural muscular disease diagnosis and they actually meet here in Bismarck. We are spending \$50,000 for repairs to wheel chairs, flu shots and those other items I mentioned before. MDA dedicates 77.4% of every dollar it spends goes back into the services and 100% of that stays local to our state of ND. Currently we serve 346 patients in our state and there are more out there that are just not registered with us. Over the last 5 years MDA has invested over \$455,000 into these programs and services that I have mentioned in the state of ND. We do not receive any kind of state funding or government funding at all. Programs like the fill the boot are incredible and important to our yearly fund rising.

Opposition: None

Hearing closed.

Do Pass Motion Made by Rep.Devlin: Seconded by Rep. Maragos:

Discussion:

Rep. Koppelman: I certainly support the intent of the bill. I do think from a public policy stand point if it wasn't a specific carve out for a specific type of entity. If we pass the bill as written we are narrowly hamstringing them on what can determine to do. That is rather unusual in state law.

Rep. Shirley Meyer: I think it has to be this narrow of a carve for this specific of a thing so that you don't open it up and so you do have pan handling on the streets.

Rep. Koppelman: We are excluding another section of law that excludes and by the state favoring one particular organization and one particular charity that is unusual thing to do. Maybe we would want to promote this for other charities.

Rep. Klemin: I think there are a lot of ways these other organizations can raise money without going out into the street and soliciting motorist. This is a thing that apparently has been going on nationwide for a long time and with this specific organization and I don't see

these other organizations being otherwise limited from doing these things in other ways. The fire fighters brought this here; why don't we let them have it.

Vote: 12 Yes 0 No 2 Absent Carrier: Rep. Shirley Meyer:

Hearing closed.

Date: 2-4-11  
Roll Call Vote #:     

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1313

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number                     

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt  
Amendment

☐ Rerefer to Appropriations ☐ Reconsider                     

Motion Made By Rep. Devlin Seconded By Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle			Rep. Mock	✓	
Rep. Devlin	✓		Rep. Zaiser		
Rep. Heilman	✓				
Rep. Klemin	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Meyer

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

**REPORT OF STANDING COMMITTEE**

**HB 1313: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1313 was placed on the Eleventh order on the calendar.

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1313



# 2011 SENATE STANDNG COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee  
Missouri River Room, State Capitol

HB 1313  
March 18, 2011  
15649

☐ Conference Committee

Committee Clerk Signature

*Katie Oliver*

## Explanation or reason for introduction of bill/resolution:

Relating to authorizing firefighters to solicit charitable contributions from motorists in cities

Minutes:

*Testimony attached.*

**Representative Rob Guggesberg:** See attached testimony #1. This bill would not give permission for firefighters to do this. It would allow the city to allow firefighters to do this. In Fargo we have done a lot of things but this would help the other cities.

**Vice Chairman Sorvaag:** Line 8, 'or volunteers'. Does that mean volunteer firefighters?

**Representative Rob Guggesberg:** This language came directly from MN. The way some cities do this is have people who are on duty does it and other places they have to go in off duty. Obviously it is easier to get volunteers if their truck is there.

**Vice Chairman Sorvaag:** We don't want a firefighter with 5 volunteers.

**Representative Rob Guggesberg:**

**Senator Berry:** You mentioned MDA; it doesn't specifically mention that in the bill. Does it need to be spelled out or do they want the freedom to be flexible.

**Senator Schaible:** This is for one designated charitable cause. Is this exempt to the charitable gaming? Does 100% of that what you collect go to the charity?

**Representative Rob Guggesberg:** Yes. We take the money from the boot, count it, and bring it directly to the MDA.

**Justin Adolf:** President of Association of international firefighters. In North Dakota we have been doing this for 10 years and it has always raised some money. In the last 10 years we have raised \$159,000, in 2006 we raise \$12,000 and in 2009 we raised to \$39,000. The increase is due to some things, in Minot they did it in the street and blew our previous goal out

of the water. This is something that the local firefighters would need to go to the chief and then the chief would need to go through the city commission. Being a firefighter our main job responsibility is safety and after seeing how it worked in Grand Forks I am positive that it would be successful. I understand that it is not correct to assume that this will be right for every city. I started doing stuff with the MDA when I was working in Grand Forks and I was also able to be a counselor at the MDA camp and it was an extremely eye opening experience. All the money goes to the local office in Fargo; it all goes directly to the children for medication, camp, ECT. In closing I would ask for a do pass on this.

**Senator Nelson:** Where is the camp?

**Justin Adolf:** Central Minnesota at Camp Courage.

**Senator Berry:** Why is it in the Century Code and not leave it to the cities?

**Justin Adolf:** The reason we brought it to you is because we have a law about panhandling on roadways. We don't want to be in violation of state law and if the state would comment that it would be up to the city itself to decide if this is right for them.

**Laura Hochsprung:** Executive Director of the North Dakota MDA. We alert the media, city council and the citizens to make sure that safety is being held as a high priority. We have banners; no one is coming up to the intersection and is unaware of what is happening. We are not out there for extended amounts of time, they only stand in the isle for the red light then they move to the side. MDA funds 350 researcher team worldwide set up a clinic research team, offers health and medical services. In North Dakota we fund a clinic at Sanford clinic in Fargo and over the last 5 years MDA has invested \$80,000 into that clinic, fund a summer camp for 30 plus children in Central Minnesota at no cost to the families. In North Dakota, MDA facilitates 2 different support groups, in total they provide \$50,000 a year for the services that I mentioned. MDA dedicated 78.4% to services, 100% of funds raised stay local, \$455,000 into the programs and services to North Dakota

**Senator Schaible:** '1 charitable organization annually' is it done by city?

**Justin Adolf:** Yes. The reason we didn't write in MDA is because there are many departments.

**Senator Schaible:** Each fire department could choose a charitable contribution; they would have 3 days to get those contributions.

**Justin Adolf:** Yes that is correct.

There was no further discussion and Chairman Dever closed the public hearing on HB 1313

## 2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee  
Missouri River Room, State Capitol

HB 1313  
March 24, 2011  
15988

☐ Conference Committee

Committee Clerk Signature

*Kate Oliver*

### Explanation or reason for introduction of bill/resolution:

Relating to authorizing firefighters to solicit charitable contributions from motorists.

### Minutes:

*No testimony attached*

A motion to amend the bill to add an emergency clause was made by Senator Nelson with a second by Senator Schaible, there was no discussion, roll was taken and the motion passed 7-0. A motion was then made by Senator Schaible for a do pass as amended with a second by Vice Chairman Sorvaag, there was no discussion, roll was taken, the motion passed 7-0 and Senator Schaible carried the bill to the floor.

Date: 3/29/11  
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1313

Senate GVA Committee \_\_\_\_\_

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☐ Do Pass ☐ Do Not Pass ☒ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Nelson Seconded By Schaible

Senators	Yes	No	Senators	Yes	No
Chairman Dever	<u>✓</u>		Senator Marcellais	<u>✓</u>	
Vice Chairman Sorvaag	<u>✓</u>		Senator Nelson	<u>✓</u>	
Senator Barry	<u>✓</u>				
Senator Cook	<u>✓</u>				
Senator Schaible	<u>✓</u>				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Date: 3/24/11  
Roll Call Vote # 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1313

Senate GVA Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Schaible Seconded By Sorvaag

Senators	Yes	No	Senators	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent \_\_\_\_\_

Floor Assignment Schaible

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

**REPORT OF STANDING COMMITTEE**

**HB 1313: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed  
on the Sixth order on the calendar.

Page 1, line 3, after "cities" insert "; and to declare an emergency"


Page 1, after line 17, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency  
measure."

Renumber accordingly


2011 TESTIMONY

HB 1313



Chairman and members of the committee, my name is Darren Schimke, I am the President of Grand Forks ND Fire Fighters Local 242. I am writing this today representing the 60 sisters and brothers of our Local.

Local 242 would like to express our unanimous support of HB1313. Before we were aware of the State Law that prohibits this activity, our Local did collect donations on behalf of the MDA on a street corner in Grand Forks. We did obtain support and permission from our local law enforcement and our own Fire Chief beforehand.



Many safety concerns were addressed before the event. We did public announcements, put signs up before the intersection warning the approaching motorists, wore yellow safety vests, and stayed on the berms to mention a few. Our collection went up significantly for that one year. From approx \$2,000.00 for an 8hr period to \$8,500.00 for a 12hr period.

In closing, we feel this is a safe, effective way to collect money for a very worthwhile cause, MDA. L242 requests a DO PASS on HB1313

Thank You for your consideration,

Darren Schimke, President

Grand Forks ND Fire Fighters L242





#2

Mr. Chairman and members of the committee, my name is Tana Ostlie and I am a Fire Apparatus Specialist with the City Grand Forks, and the MDA Chairperson of Local 242. I am writing this today with the support of President Justin Adolf and over 300 brothers and sisters of the, IAFF affiliated, Professional Fire Fighters of North Dakota. PFFND members proudly serve and protect over 45% of North Dakota's population in Fargo, Bismarck, Bismarck Rural Fire Protection District, Grand Forks and Minot.

The PFFND is here today in support of HB1313. The MDA has a long and productive history with the International Association of Firefighters (IAFF) in its fight to find cures and assist families of disabilities. The money collected by Local chapters stays within our communities and provides necessary equipment and support for North Dakota families affected by the many debilitating diseases that fall under the Muscular Dystrophy Association's umbrella. We have had many different types of fund raisers to collect funds for the MDA but none have been more productive than the 'fill the boot' we held 1 ½ years ago. We collected 4 times the amount collected at any of our most successful events in previous years and did it in half the time. Please support HB1313 to allow IAFF and the Locals throughout the state to continue to promote and provide money to the MDA for our most vulnerable citizens. Thank you.

**House Bill 1313****Professional Firefighters of North Dakota**

Madam Chairman and Representatives of the Political Subdivisions Committee, my name is Justin Adolf and I am the President of the Professional Firefighters of North Dakota, I am here today representing nearly 300 career firefighters in our great state. We would like to ask you for a **DO PASS** recommendation on House Bill 1313.

Firefighters in our state have been raising money for MDA for years but have recently started doing the "FILL THE BOOT" campaign "On the Streets". Over the last 5 years firefighters in our state have raised \$159,000 for this great cause. Fundraising in 2006 raised \$12,000 by doing Fill the Boot at local businesses. In 2009 the total fundraising in the state climbed to over \$39,000. This big increase is due to several of our cities raising funds on the streets. Our Minot local alone raised \$20,000 in 2009 which was a huge increase from the \$4300 the previous year. The only thing that changed was they were raising money on the streets. The best part of the funds raised is that they stay locally. The money we raise stays here to help our neighbors.

Minot has been a great example of how this process can work so well. It all starts by the Local members talking with the chief and finding the best way that

this can be accomplished. From there the process goes to the city leaders. The local members along with help from the MDA staff will present a plan to the city for approval. Once this is accomplished an intersection is chose to hold the fundraiser. A safety plan is drawn up and laid out to keep everyone involved safe. The fundraiser is put out to all media in the form of press releases and many cities do radio and television interviews and spots to make the public aware.

From the Minot example you can see that there are a lot of levels for the process to go through. If at any point in the process the city, fire department, or firefighters decide this is not an acceptable way to raise funds they can pursue other means. This campaign may not be right for every community and we are not asking for you to force them, we are just asking that the state allow the cities and it's firefighters to decide the best way for them.

The MDA is something that I hold close to my heart. I spent a week as a camp counselor at the MDA summer camp a few years ago. To see what these children go through on a daily basis and the enjoyment they got out of doing things that we all take for granted is something that definitely opened my eyes. I again ask for a "DO PASS" vote and would like to answer any questions.

## History of Fill the Boot

This tradition started when a father in desperate need ran to Boston Firefighter George Graney's Fire Engine Company 1 in South Boston. The man's name was Charlie Crowley, father of two crippled sons and a high school friend of George Graney. 'They will not live to be 21 years old,' said a somber Crowley. Crowley's sons couldn't walk, attend school, run around, or play games with their friends. The doctors had diagnosed both the children with muscular dystrophy, an incurable and dreadful disease.

Graney and twenty of his fellow firefighters went door to door collecting money to help his friend take care of his sons. The first year they raised \$5,000 dollars to help the Crowley family. The next year Graney took his idea to the International Association of Fire Fighters Convention and it was adopted as the firefighters charity of choice. Since then, firefighters have raised over \$380 million dollars for Muscular Dystrophy and is they are the single largest sponsor of the MDA.

In the last five years North Dakota Firefighters have raised over \$159,000 doing fill the boot campaigns throughout North Dakota.