

STUDY OF THE NORTH DAKOTA FIREFIGHTER'S ASSOCIATION - BACKGROUND MEMORANDUM

STUDY RESPONSIBILITIES

House Bill No. 1380, as approved by the 2017 Legislative Assembly, provides for a study of the duties and role of the North Dakota Firefighter's Association. As originally introduced by Representative Ron Guggisberg, House Bill No. 1380 provided for the study and identified duties and authority assigned to the North Dakota Firefighter's Association, including:

1. Approve a statewide fire education and training plan;
2. Provide firefighter training at all levels; and
3. Certify firefighters who complete required training.

In an amendment prepared for Representative Guggisberg, House Bill No. 1380 was amended to make changes to the duties and authority of the association to include:

1. Develop and adopt a statewide fire education and training plan;
2. Coordinate fire service training at all levels; and
3. Establish procedures to govern the certification process for firefighter training.

In testimony before the House and Senate Political Subdivisions Committees, Representative Guggisberg and Mr. John Hildremyr, former President, North Dakota Firefighter's Association, indicated the role and duties of the association have changed over time, but the association has attempted to keep firefighter training as its focus. Mr. Hildremyr also said confusion exists regarding with the North Dakota Firefighter's Association is a state agency, subject to Office of Management and Budget and other executive branch rules. The responsibility for this study was assigned to the Government Administration Committee by the Legislative Management.

BACKGROUND INFORMATION

The North Dakota Firemen's Association was incorporated as a North Dakota nonprofit and registered in the Secretary of State's office in February 1891. In October 2000 the North Dakota Firemen's Association changed its name with the Secretary of State's office to the North Dakota Firefighter's Association. In a February 2006 opinion, Attorney General Wayne Stenehjem stated the North Dakota Firefighter's Association is a public entity because it is supported by public funds and it is recognized by state law to perform a governmental function. Attorney General Stenehjem stated the definition of public entity is not limited to entities traditionally viewed as governmental; and a nonprofit entity like the North Dakota Firefighter's Association can be a public entity if it is supported by public funds, is expending public funds, or is recognized by state law to exercise public authority or to perform a governmental function.

North Dakota Century Code Chapter 18-03 ([Appendix A](#)), originally enacted by the 1893 Legislative Assembly, provides for the North Dakota Firefighter's Association. Section 18-03-01 states the North Dakota Firefighter's Association consists of the various organized fire departments and fire protection districts within this state, and each fire department, fire protection district, and firefighter within the state is entitled to membership in the association upon compliance with the constitution and bylaws of the association.

Duties of the North Dakota Firefighter's Association

Governor Arthur Link, in Executive Order No. 1977-3, designated the North Dakota Firemen's Association as the focal point for the state with the responsibility and authority to act or make recommendations in the following areas:

- Approval of state master plan for fire prevention and control;
- Approval of statewide education and training plan;
- Training on all levels;
- Dissemination of information;
- Formal adoption of standards;
- Advisory capacity to Governor in all fire service matters;
- Advisory capacity to State Fire Marshal in adoption of codes;
- Budget assistance;

- Research and development; and
- Liaison between the National Fire Prevention and Control Administration and the local level.

Section 18-03-01.1, as enacted by 2017 House Bill No. 1380, states the North Dakota Firefighter's Association shall:

1. Develop and adopt a statewide fire education and training plan;
2. Coordinate fire service training at all levels; and
3. Establish procedures to govern the certification process for firefighter training.

Section 18-03-02 states fire schools must be held annually under the direction of the North Dakota Firefighter's Association. Fire schools may be held by teleconference, video, or other alternative methods. Section 18-03-03 requires the North Dakota Firefighter's Association to submit an annual report of all fire schools held in the state to the Office of Management and Budget.

Section 26.1-01-07.5 ([Appendix B](#)) requires the North Dakota Firefighter's Association and the State Fire Marshal to assist the Insurance Commissioner in preparing maps of the fire districts of the state for use by insurers.

State Funding for the North Dakota Firefighter's Association

Section 18-03-05 requires the North Dakota Firefighter's Association to submit to the Office of Management and Budget an itemized statement of the amount of money necessary to promote the efficiency and growth of the different fire departments and fire protection districts of the association and to conduct the fire schools to be held during the biennium.

Section 18-04-05 ([Appendix C](#)) provides for the disbursement of funds to the North Dakota Firefighter's Association by the Insurance Commissioner from the insurance tax distribution fund. The following schedule identifies the amount of funding appropriated to the Insurance Commissioner for the purpose of providing payments to the North Dakota Firefighter's Association since the 2007-09 biennium:

Biennium	Payments to the North Dakota Firefighter's Association		
	Insurance Tax Distribution Fund	State Fire and Tornado Fund	Total
2007-09	\$120,000	\$170,000	\$290,000
2009-11	\$620,000	\$170,000	\$790,000
2011-13	\$670,000 ¹	\$170,000	\$840,000 ¹
2013-15	\$800,000		\$800,000
2015-17	\$1,020,000 ²		\$1,020,000 ²
2017-19	\$828,525		\$828,525

¹The 2011-13 biennium appropriation amount includes \$50,000 from the insurance tax distribution fund for auto extrication training.

²The 2015-17 biennium appropriation amount includes \$130,000 of one-time funding to create a computerized database for all data pertaining to firefighters.

Section 18-03-08 requires the North Dakota Firefighter's Association to report the disposition of all money received by the association annually to the Office of Management and Budget.

STUDY PLAN

The following is a proposed study plan for the committee's consideration in its study of the duties and role of the North Dakota Firefighter's Association:

1. Receive information from the North Dakota Firefighter's Association regarding the association's current duties, potential for additional duties, and available funding.
2. Receive the report of the disposition of all money received by the North Dakota Firefighter's Association from the Office of Management and Budget.
3. Receive information from the North Dakota Fire Chief's Association regarding fire district needs, potential for additional North Dakota Firefighter's Association duties, and available funding.
4. Receive testimony from interested persons regarding the study.
5. Develop recommendations and any bill drafts necessary to implement the recommendations.
6. Prepare a final report for submission to the Legislative Management.

ATTACH:3