

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1110

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1110

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1110

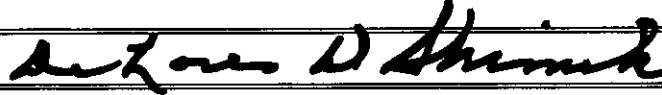
House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: January 11, 2007

Recorder Job Number: 923, 926

Committee Clerk Signature



Minutes:

**Chairman Herbel** called the meeting to order on HB 1110.

**Rep. Wald** testified: There is a \$100,000 appropriation attached to this bill, which would be the insurance tax distribution fund out of the insurance department. As you know there is a one and three quarter percent so when you send you check to the insurance company for your auto or homeowner premium there is a premium tax, like a sales tax on those insurance products so that's where the money comes from.

**Rep. Kim Koppelman:** Have we ever done anything like this in the past. I thought there would be some mechanism somewhere to reimburse or something like that?

**Rep. Wald:** I do not recall seeing anything like this before.

**Rep. Pat Hatlestad** Is the \$100,000 appropriation is that a maximum or is there more possible that could be used?

**Rep. Wald:** After this committee gets done with it it will be assigned to appropriations if it is over \$5,000 so appropriations will see this bill again. It could be lowered or increased or maybe they will kill the bill, I don't know.

**Jim Moe, Devils Lake Fire Chief: Also the President of the ND fire Chief's Association:**

(See attached testimony #1)

**Rep. Kim Koppelman:** You are basically suggesting that something like this is needed in cases where there is a local hardship where the department has extended allot of resources, but in the day to day operations it is more of a mutual aid type of thing.

**Jim Moe:** We are concerned about the potential for abuse with this type of bill. If the criteria would be as such that it lends how quickly you can request for reimbursement. Right now we have a mutual aid where we basically help each other out and there is no exchange of money.

**Rep. Kim Koppelman:** You thing the mutual aid agreement s work pretty well. Can you describe to us what abuse you think may occur?

**Jim Moe:** We believe that some departments might respond to a fire just to get some funding.

**Rep. Nancy Johnson:** What do you consider unusual circumstances?

**Jim Moe:** They would be long term events like what has happened in the western part of the state where they have had major ongoing fires throughout the entire summer and their equipment gets wrecked and there is no means for the same town departments to provide repairs.

**Rep. Louis Pinkerton:** This bill will cover both labor and materials as it is written.

**Jim Moe:** That is my understanding.

**Rep. Louis Pinkerton:** Would your concerns be less is they only covered materials?

**Jim Moe:** I think we would still want to maintain a good working relationship so that we could call on our neighbors and friends help us when we need it and not expect reimbursement. We are willing to set down and work out the details of how it could be most effective.

**Rep. Lawrence Klemin:** does this include overtime?

**Jim Moe:** Most volunteer fire departments do not have the means to pay overtime. It is all strictly volunteer. Paid departments would be overtime, but not volunteer departments.

**Rep. Dwight Wrangham** There are probably certain areas of the state where this is needed and should be in place and needed and there are other areas of the state where it could be detrimental in that it would discourage people from having mutual aid agreements. Is that what I am hearing?

**Jim Moe:** That is correct. That is how we feel about it.

**Rep. Kim Koppelman:** Is there any means now where a department has a hardship that they can get reimbursement.

**Jim Moe:** Not to my knowledge.

**Rep. Kim Koppelman:** What if this bill was structured as a hardship case where the department was desperate with its equipment or something they could apply for some grant money.

**Dean Lamphere, Executive Director of the EMS Association of ND:** Passed out a proposed amendment to HB 1110 ( See attached handout #2) This bill deals with the same principal as HB 1050 with law enforcement and then HB 1110 with regards to fire protection. It is our concern that you understand that in all the disasters there are three first responding entities: 1. Law 2. Fire 3. EMS and so our concern was the EMS was not included in either of the above bills. We want to be sure EMS is considered also with these bills. Ambulances have to stand by in large brush fires etc.

**Rep. Kim Koppelman:** This mutual aid agreements now in place, is EMS covered by those now?

**Dean Lamphere:** Yes

**Chairman Herbel:** Would you please explain the amendment.

**Dean Lamphere:** The amendment would include "responding to an emergency" would broadens the language and it could include EMS and replace responding to emergencies outside of their jurisdiction and it would increase the appropriation from \$100,000 to \$200,000.

**Rep. Lawrence Klemin.** In looking at the second part from \$100,000 to \$200,000, I noticed that it would provide \$200,000 to fire departments.

**Dean Lamphere:** It was our intent that funds be set aside also considering HB 1050 which, also says another \$100,000 set aside. Maybe that we should combine the two bills.

**Rep. Lawrence Klemin:** The bill you have been talking about has already been through House Judiciary and we have already sent that bill down to appropriations, I believe. Maybe what this amendment needs to do is have a separate section 3 on appropriations just for EMS, if we are going to do this rather than saying \$200,000 per fire departments in section 2.

**Rodney Alam, Chief Richland Fire District:** Last year we were paged out 31 times. Our gas bill for July and August was \$1900. Our budget for the year is \$13,000 so we spent in the western part of the state allot more money. The less paper work we have to do the better off we are. We write grants all the time and it takes time and we would like an easier way to do it and grant writing takes allot of time. Please make it easy for us. Discussion on travel and reimbursement when traveling along ways for fires. Did use emergency CD's to reimburse for extreme fire years. Is using up reserves when years are extreme with fires. We have gone through Homeland Security and FEMA to get grants or the National Government. Local grants we can get \$1500 here or there. Changes are always going on to get grants.

**Bruce Schreiner, Present of the ND Firefighter's Association:** ( See attached testimony #3)

**Rep. Nancy Johnson:** Would you have any concern with merging this bill with HB 1050 in appropriations?

**Bruce Schreiner:** Though if the appropriations amounts were merged together so that they were all covered would be fine with them.

**Gary Kostelecky:** Stark County EMS Manager out of Dickinson and with the Dickinson Rural Fire Department. Reimbursement back for material, fuels back to the fire district. Volunteers get no reimbursement so that is not a concern, but the equipment grant writing is a problem. Overall object is to get some reimbursement for the small rural fire departments either using tax levy or grants.

**Chairman Herbel:** Who do you see overseeing this program?

**Bruce Kostelecky:** I think the Division of Emergency Services because that is where all of our agencies come through out there so I think that is where it should be.

**Rep. Louis Pinkerton:** If it is not used up during the year, how will it be carried over?

**Gary Kostelecky:** I do not have the answer to that since I am not in the appropriations end of it. Each year, it if my understanding, it would be replenished to \$100,000. Not sure how the legislation would do that.

**Chairman Herbel:** Rep. Lawrence Klemin do you remember how they did this in Nava?

**Rep. Lawrence Klemin:** They did it identical to this one.

**Rep. Kim Koppelman:** The bill has a trigger mechanism on it so that if it gets up to the maximum it will stay in the general fund.

Opposition: None

**Chairman Herbel :** Subcommittee to research the bill and bring back information to the committee next week: Rep. Kim Koppelman, Rep. Chris Griffin and Rep. Nancy Johnson. Also consider the amendment that we have as well.

**Hearing closed.**

**Chairman Herbel** reopened the hearing on HB 1110 for discussion. **Job # 926**

**Rep. Kim Koppelman:** I would like to chat with WSI to clarify in my own mind what the area of coverage is. Wants to clarify what the coverage could be and can WSI do something?

**Rep. Nancy Johnson:** Have worked on this for several sessions with IBL and workforce safety has a law that they have to follow so WSI is only following their laws. Have to pay for insurance coverage so that volunteers are covered and it is capped up to \$1500 to do this while they are on the job fighting fires.

**Rep. Steve Zaiser** I would still like to look at this further. Perhaps we should look further at this so that we are sure that we are doing the right thing.

**Rep. Nancy Johnson:** The volunteer firefighters are not covered anywhere. This should be a state function, not an insurance function of an insurance group. It should be a state ownership and it should be based on all citizens; not by an employer group. Workforce safety covers workers on the job.

**Rep. Kim Koppelman:** The full time firefighters are covered because they are paid; volunteers are not covered because they are unpaid. I don't understand how WSI tailors this law to not cover heart attacks or strokes.

**Rep. Lawrence Klemin:** This bill is only looking at providing money to pay insurance premiums if they should decide if they want to get insurance. I do not think we should start an issue on workman's comp issues.

**Rep. Lee Kaldor:** They create that employment relationship in New York. (See pamphlet that is attached). The local subdivision pays the benefits, so they have probably created that relationship so that you are considered an employee.



**Rep. Pat Hatlestad:** If I understand what Rep. Lawrence Klemin said the fire district must already be considered employers of the volunteers because they are covered up to except heart attack and strokes?

**Rep. Dwight Wrangham:** These people do perform a service and I would hope that the local entities would buy this relatively inexpensive insurance policy to give them the extended coverage if they can afford to do it through WSI. As Rep. Lawrence Klemin said earlier is probably a different issue. I am not sure this is an area we should be getting into. I think right now I am expecting to vote against this and with the vote that the local entities do offer this assistance to help their volunteers to attract volunteers to their organization. I think this legislative session is going to be giving some relief to local entities through some property tax issues and school issues. Hopefully that will free up enough money so they can use some money to pay for this insurance.

**Rep. Kari Conrad:** I wondered what the premium would be for WSI. Whether that would be more or less than what we are talking about here. If it would be less maybe the political subdivision could pick it up. Will check on this information and bring it to the committee next week.

**Rep. Donald Dietrich:** Correct me if I am wrong but we heard testimony that WSI insurance on a full time firefighter is \$1900/year. We also heard testimony that a part-time volunteer is \$3/per year. Looks like costs are extremely expensive to pay for us heart attacks and strokes at this cost. Lots of general discussion on the subject. After further information is gathered will revisit this bill and act on it.

Chairman Herbel closed the hearing on HB 1110.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1110

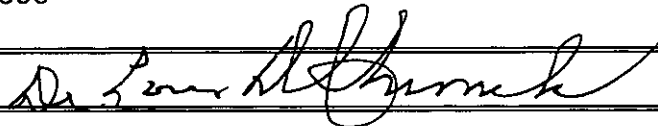
House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number: 1399

Committee Clerk Signature



Minutes:

**Chairman Herbel** reopened the hearing on HB 1110.

**Rep. Kim Koppelman:** the subcommittee had a meeting with General Sprynczynatyk.

General of the national guard who is also director of department of emergency services and we worked with him on some language and had counsel take two or three stabs at it before we got it right. The amendment before you would include EMS; it says that it limits the request for reimbursement to equipment. The original bill allowed for reimbursement for virtually anything. Talked to the co sponsor and General Sprynczynatyk and they are both agreeable. We set a \$1000 like an insurance deductible so if the claim is under \$1000 they would not qualify and a maximum of \$10,000. We did not change the appropriation. It was \$100,000 and we left it because thought this is a new program and we should just wait and see and #2, if we were to have a catastrophic event in ND they could always go to the emergency commission.

Motion Made by Rep. Kim Koppelman to accept the amendment; Seconded By Rep. Lawrence Klemin . Remember the misspelled word, item # 3 at the bottom of the amendment, it should be unserveable, rather than unserviceable so will make sure counsel makes that correct.

**Rep. Dwight Wrangham** When we changed this from firefighter to responding to emergency would this include peace officers in line for reimbursement.

**Rep. Kim Koppelman:** No, Item number b. says medical service operation. I asked council to draft the proper language and that is what they put in the bill. Fire is left in and it is amended on page 1, line 11 so they are both listed separately.

**Rep. Lawrence Klemin:** There is another bill that not in judiciary committee so they are covered in another area.

**Chairman Herbel:** Yes. So they are covered in another area.

**Rep. Kim Koppelman** The intend of the subcommittee is ask the question #1. Is this necessary? We think in extreme circumstances it could be where there is a real hardship. #2. should the state be involved? We will decide that on how we vote on the bill. #3. If the state should be involved, how is it structured? We felt that the way we structured it in the amendment the department of EMS, which is kinda a one stop shop now for EMS in ND is all under one bill and we thought this would be appropriate area for it. The appropriate would not change. Our subcommittee asked the counsel to make sure if these funds are not used they would go back into the general fund.

**Rep. Vonnie Pietsch:** Not everybody would have a reimbursement clause in their agreement?

**Rep. Kim Koppelman:** If there is reimbursement somewhere else this is off limits. Discussed insurance issue and if it is covered elsewhere. Limiting each incident would help and you have insurance on a fire truck through your insurance company so you could get \$9000. \$1000 would be the deductible.

**Rep. Dwight Wrangham:** If I am correct this limits to one incident. I am assuming that that would not be a years worth of drought. That is each time they go out. I think we have eliminated the need for the bill at all so might as well kill it. I understand that the people that were coming in here we having problems with going out many times to the summer to help a

neighboring fire district and having overtime and I certainly understand and appreciate work the subcommittee did on this, but I think we are affectly passing something out that they did not intend in the first place and will be used.

**Chairman Herbel** I do believe that this applied to equipment and it doesn't reimburse overtime or milesage.

**Rep. Kim Koppelman** I don't see anything that limits it to one request. We tried to balance do we have a program like this and how can it be structure it, if we do? Do we have it as opened ended as the original bill was which could create a scenario so every time a neighbor helps a neighbor you are going to expect to get your gas paid for.

Voice vote carried amendment. One opposed:

**Do Pass As Amended: Motion Made by Rep. Kim Koppelman Seconded by Rep. Louis Pinkerton**

**Vote: 13 Yes 1 No 0 Absent Carrier: Rep. Kim Koppelman**

Hearing closed.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1110

Page 1, line 2, replace "to political subdivisions for fighting fires" with "for responding to emergencies outside the jurisdiction"

Page 1, line 7, after the boldface underscored period insert:

"1."

Page 1, line 8, replace "a" with ":

a. A"

Page 1, line 11, replace "fighting a fire, unless" with "responding to an emergency; or

b. An emergency medical service operation that, upon the request of the political subdivision outside the emergency medical service operation's service area, aids that political subdivision in responding to an emergency.

2. The department of emergency services may not make a reimbursement if that"

Page 1, line 15, replace "\$100,000" with "\$200,000"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1110

Page 1, line 2, replace "to political subdivisions for fighting fires" with "for responding to emergencies outside the jurisdiction"

Page 1, line 7, after the boldface underscored period insert:

"1."

Page 1, line 8, replace "shall" with "may" and replace "a" with ":

a. A"

Page 1, line 11, replace "fighting a fire, unless" with "responding to an emergency that is beyond the capabilities of the requesting district or department; or

b. An emergency medical service operation that, upon the request of the political subdivision outside the emergency medical service operation's service area, aids that political subdivision in responding to an emergency that is beyond the capabilities of the requesting political subdivision's emergency medical service operation.

2. The department of emergency services may not make a reimbursement if that"

Page 1, line 12, after the underscored period insert:

"3. Reimbursement is limited to extraordinary expenses and the actual replacement cost for equipment consumed or rendered unserviceably as the result of the response. Reimbursement is limited to the amount of the expenses and costs less the first one thousand dollars and up to ten thousand dollars in any one incident."

Renumber accordingly

January 18, 2007

**House Amendments to HB 1110 (70177.0104) - Political Subdivisions Committee  
01/19/2007**

Page 1, line 2, replace "to political subdivisions for fighting fires" with "for responding to emergencies outside the jurisdiction"

Page 1, line 7, after the boldface underscored period insert:

"1."

Page 1, line 8, replace "shall" with "may" and replace "a" with ":

a. A"

Page 1, line 11, replace "fighting a fire, unless" with "responding to an emergency that is beyond the capabilities of the requesting district or department; or

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Renumber accordingly

Date: 1-28-0  
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. *HB1110*

House	Political Subdivisions	Committee
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☐ Check here for Conference Committee

**Legislative Council Amendment Number**

### Action Taken

Motion Made By Rep. Koppelman Seconded By Rep. Kleiner

[illegible]

Total (Yes) \_\_\_\_\_ / No \_\_\_\_\_

Absent \_\_\_\_\_

### Floor Assignment

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



Date: 1-18-07  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1110

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do PASS As Amended + Referred to Approp.

Motion Made By Rep Koppelman Seconded By Rep. Pinkerton

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	✓		Rep. Kari Conrad	✓	
Rep. Dwight Wrangham-V. Chair		✓	Rep. Chris Griffin	✓	
Rep. Donald Dietrich	✓		Rep. Lee Kaldor	✓	
Rep. Patrick Hatlestad	✓		Rep. Louis Pinkerton	✓	
Rep. Nancy Johnson	✓		Rep. Steve Zaiser	✓	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 13 No 1

Absent 0

Floor Assignment Rep Koppelman

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

**REPORT OF STANDING COMMITTEE**

HB 1110: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1110 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "to political subdivisions for fighting fires" with "for responding to emergencies outside the jurisdiction"

Page 1, line 7, after the boldface underscored period insert:

"1."

Page 1, line 8, replace "shall" with "may" and replace "a" with ":

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Page 1, line 11, replace "fighting a fire, unless" with "responding to an emergency that is beyond the capabilities of the requesting district or department; or

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Renumber accordingly

2007 HOUSE APPROPRIATIONS

HB 1110

HB 1110 - Feb 7

As typed  
minutes  
found  
just  
notes

R. Herbel (list 16)

Approp. of \$100,000 to assist fire dist.  
that come in from another area.

\$1,000 deductible

\$10,000 cap.

Ardyan <sup>2:30</sup> Concern when damage is done to equipment

Klein - Concern about jeopardizing mutual aid  
agreements discussed?

Herbel Yes.

Ardyan - What precedent does this set?

Herbel - Did not discuss this as a precedent.

Ardyan Does this bill create a fund?

Klein - Similar bill relating to law enforcement?

Shubel - Did not want to overstep bounds so we made amendment.

Widd - Heard in Judiciary Committee

Carroll - Out of state situations? Cover any of those here?

Shubel - Nothing in this bill for that.

Carroll - Anticipate request in those situations.

Shubel.

Carlson - Ins. tax dist. fund? Purpose of fund?

Allen - Maybe ins. part. to Fire Department.

Carlson - Affects general fund

Allen - Correct

Allyn - Limited to equip. & damage?

Shubel - Extended to damage done to equip - not for overruns

Average <sup>8m.</sup>

Sp. Fund in Atty General's office - \$100,000.

Carlson - Know fiscal note.

Wald - No diff. they way app.

Carlson - Taking \$100,000 off the table

Ardyan - If it doesn't come out of the ins. tax fund,  
it's coming out of the gen. fund.

Allen - That's correct.

Carlson - <sup>10:30</sup> Where does it show coming out of gen. fund?

Ardyan - It doesn't.

Wald - In ND we have a prem. tax  $1\frac{3}{4}\%$ .

Like a sales tax on your insurance.

Whatever is not used ends up in gen. fund,  
but the purpose is to help fire depts.

Hebel - Amended bill to avoid

Ardyan - <sup>Line</sup> Obj. to removing "extraordinary repairs and"  
p. 2 remove "repairs and" That would  
clarify that this is for equip. only.

Motion to Amend - Voice Vote.

Aye - all  
Nays - Carlson - N

Motion - Do Pass ~~Amended~~  
Wald / Kruetz

Hayes - already think \$ is flowing

Chairman Jordan adjourned 4:25

Bill no amendment

Date: \_\_\_\_\_  
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1110

House Appropriations Full Committee

☐ Check here for Conference Committee

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

Action Taken No Pass as Amended

Motion Made By Wald Seconded By Kreidt

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) 17 No 6

Absent 1

Floor Assignment Wald

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



**REPORT OF STANDING COMMITTEE**

HB 1110, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1110 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "extraordinary expenses and"

Page 2, line 1, remove "expenses and"

Renumber accordingly

2007 SENATE POLITICAL SUBDIVISIONS

HB 1110

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1110

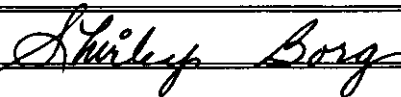
Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: March 8, 2007

Recorder Job Number: 4663 and 4664 (Action)

Committee Clerk Signature



Minutes:

**Chairman Cook** called the committee to order. All members (5) present.

**Chairman Cook** opened the hearing on HB 1110 relating to reimbursement for responding to emergencies outside the jurisdiction.

**Representative Wald**, District 37, Dickinson, ND introduced and testified in support of HB 1110. This bill provides reimbursement money for rural fire departments that respond to neighboring districts out of their jurisdiction. This is expensive for the department.

**Senator Anderson**: Is the one hundred thousand dollars in the governor budget.

**Representative Wald**: No, not to my understanding.

**Chairman Cook**: Does your fire department get any reimbursement for fire calls out side your district.

**Representative Wald**: They have what they call mutual aid agreements but those funds are limited. Money is the issue, they have fuel cost and other expenses that they incur.

No further testimony in support or opposed to HB 1110.

**Chairman Cook** closed the hearing on HB 1110.

HB 1110 – March 8, 2007 – Recorder # 4664 (Action)

**Chairman Cook** asked the committee to go to HB 1110.

**Chairman Cook** pointed out in section 1 of the bill, A. is fire protection B. is medical protection so there is also a medical provision in this bill. In subsection 3 it is opposite of what I understood the testimony to be. This would include the cost of fire trucks or equipments.

**Senator Warner** moved a Do Not Pass.

**Senator Anderson:** seconded that motion.

Roll call vote: Yes 5 No 0

Carrier: **Senator Cook**

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

**2007 SENATE STANDING COMMITTEE ROLL CALL VOTES**

BILL/RESOLUTION NO. H B 1110

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

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

Action Taken Do Not Pass

Motion Made By Senator Warner Seconded By Senator Anderson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X		Senator Arden C. Anderson	X	
Senator Curtis Olafson, ViceChair	X		Senator John M. Warner	X	
Senator Nicholas P. Hacker	X				

Total Yes 5 No 0

Absent 0

Floor Assignment Senator Cook

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

**REPORT OF STANDING COMMITTEE (410)**  
March 8, 2007 12:01 p.m.

**Module No: SR-44-4718**  
**Carrier: Cook**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1110, as reengrossed: Political Subdivisions Committee (Sen. Cook, Chairman)**  
recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Reengrossed HB 1110 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1110

# /

**Testimony on House Bill 1110**  
**House Political Subdivisions Committee**

By Jim Moe

January 11, 2007

Mr. Chairman and members of the committee, my name is Jim Moe, ~~Devils Lake Fire Chief~~ I am also the President of the North Dakota Fire Chief's Association.

I am testifying in support of the concept for reimbursement that House Bill 1110 provides, but I am concerned, that as written, it ~~could be abused.~~

Fire departments are proud to provide assistance to other fire departments; we provide this assistance through good working relations and mutual aid agreements. In most cases, fire departments provide assistance to each other at no cost knowing that someday the favor will be returned. We appreciate that Representative Wald recognized that there are circumstances



where reimbursement is needed. This bill may be the avenue to address that need. Our concern is that the scope to this bill may be too broad. We feel it would be more fiscally responsible to direct these funds toward unusual circumstances and hardships. A lack of proper reimbursement criteria may lead to an erosion of the spirit of cooperation that fire departments enjoy today.

The North Dakota Fire Chief's Association applauds the sponsor of this bill, and we very much support the concept. Our concerns rest with the details of the reimbursement and we would offer to work with the Department of Emergency Services in the development of the application and criteria. Mr. Chairman, thank you for providing me with the opportunity to address you and the committee. I will be happy to answer any questions you may have.

**NORTH DAKOTA FIREFIGHTER'S ASSOCIATION  
BISMARCK, ND  
HB 1110**

Chairman Herbal, members of the Political Subdivision Committee, my name is Bruce Schreiner. I am the President of the North Dakota Firefighter's Association.

I appear before you today to support the concept of this bill. The North Dakota Firefighter's Association have same concerns as the North Dakota Fire Chief's Association. We would also welcome the opportunity to work with Representative Wald and the Division of Emergency Services to make this a good program.

Thank You, Mr. Chairman, for the opportunity to speak to this bill. I would be happy to answer any questions of the committee.

### Service Award Programs

A service award program for volunteer firefighters was established to allow local governments to reward long-time volunteer fire-fighters with a monthly payment based on the length of their service. In communities where the program has been established, it has proven to be an effective way of attracting and retaining dedicated volunteers. Recognizing the value of the program, the Senate initiated and passed legislation establishing a similar program for volunteer ambulance personnel.

These programs permit, at local option, the establishment of a retirement benefits

State Higher Education Services Corporation at 1-888-NYS-HESC (1-888-697-4372), or visit their web site at [www.hesc.org](http://www.hesc.org).

### Volunteer Emergency Medical Personnel

Volunteer medical workers require different levels of training. **Certified first responders**, who are required to have a minimum of 51 hours of training, help the injured until definitive care arrives. **Emergency Medical Technicians (EMTs)** are certified for three years by the state after completing 135.5 hours of classroom and practical training. They administer and supervise



program for volunteer firefighters and ambulance workers. For further information about any benefit program, contact the Department of Health's Bureau of Emergency Medical Services at 518-402-0996.

### College Tuition Benefits

To address the critical shortage of fire and ambulance company volunteers, the NYS Senate secured funding for The Volunteer Recruitment Service Scholarship. This program provides active emergency service volunteers (over age 23) with tuition reimbursement equal to SUNY's annual tuition.

For more information on eligibility for this scholarship program, contact the New York

initial emergency medical assistance and transport sick and injured people. **Advanced Emergency Medical Technicians (AEMTs)**, who also are state-certified, complete additional practical and classroom training that could even lead to certification as a **paramedic**, the highest level of training.

### Public Access Defibrillation

As of 2002, school districts, boards of cooperative educational services (BOCES), county vocational education and extension boards, and charter schools are to provide and maintain on-site, in each instructional school facility, automated defibrillator equipment to ensure ready and appropriate access for use during emergencies.



Dear Friend,

Volunteer firefighters, ambulance workers and other emergency medical personnel provide an invaluable service to our residents.

The State Senate has a long record of support for legislation that helps volunteers in their work, and that tradition is continuing.

State law specifically authorizes towns and counties to create specialized emergency teams or squads, and to extend insurance coverage to their volunteer members. In addition, another law created a pilot program allowing recertification based upon continuing education and demonstrated competence rather than on reexamination.

This brochure outlines important laws that benefit New York's volunteer firefighters and emergency medical personnel. Rest assured that the Senate will continue its tradition of responding to the needs of these heroic volunteers who so magnificently give of themselves whenever their home communities are in need of their assistance.

Sincerely,

Joseph L. Bruno  
Majority Leader

# EMERGENCY 911

## Laws For Volunteer Emergency Personnel

## Volunteer Firefighters' and Volunteer Ambulance Workers' Benefit Laws

New York's firefighters have enjoyed protection under the **Volunteer Firefighters' Benefit Law** for many years. The Senate spearheaded efforts to create the **Volunteer Ambulance Workers' Benefit Law**, providing benefits similar to those provided to volunteer firefighters. The law also allows localities to establish volunteer ambulance districts that receive funds through the taxing power of their localities in the same way that volunteer fire districts are funded.

### Benefits in General

Under these laws, volunteer firefighters and ambulance workers injured in the line of duty are entitled to weekly cash payments and all necessary medical or rehabilitative care as the nature of the injury or process of recovery may require. If the injury results in death, benefits are payable to the surviving spouse and statutory dependents.

These benefits are provided to any active volunteer member of a fire department or ambulance service of a county, city, town, village or fire or ambulance district. The local political subdivision in which a firefighter or ambulance worker serves as a volunteer pays the benefits in most cases. Benefits are payable when the fire or ambulance company responds as a unit, regardless of whether the injury was incurred in the service of the home area or an aided area.

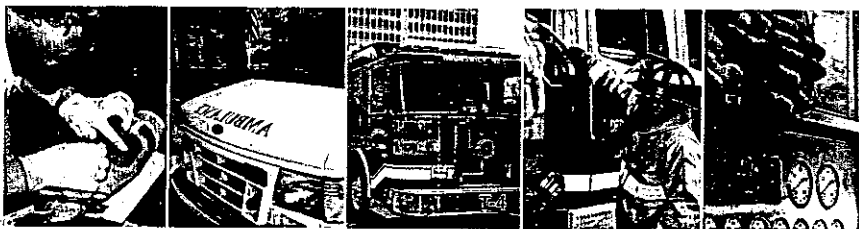
The law creates a presumption that volunteer firefighters who suffer from disease or malfunction of the heart do so as a result of their firefighting duties, and are entitled to Workers' Compensation benefits. This benefit has been extended until June 30, 2005.

The benefits described here are payable to volunteer firefighters and ambulance workers

or their dependents after July 1, 1991. If injuries or death occurred before that date, benefits would likely be lower.

### Medical Benefits

Necessary medical care for an injured or disabled volunteer firefighter or ambulance worker is paid for as long as the injury and process of recovery lasts. Services include those of physicians, podiatrists, chiropractors and surgeons, as well as hospital care, X-rays, laboratory tests, nursing service, prescribed drugs and medical or surgical appliances. Medical benefits are provided even if



there is no time lost from work.

The physician or other health care provider may not collect a fee from the injured firefighter or ambulance worker. The physician or other health care provider is required to collect the fee from the political subdivision or insurance carrier involved and is paid according to a schedule of fees established by the Workers' Compensation Board. The physician or other health care provider may not ask for or accept additional payment from the injured volunteer.

When, as a result of services performed in the line of duty, a firefighter or ambulance worker damages or loses any prosthetic device, such as an artificial limb, eyeglasses, contact lenses, hearing aid or dental appliance, it will be repaired or replaced even if there is no injury.

### Disability Benefits

**PERMANENT TOTAL DISABILITY** benefits are paid weekly if the earning capacity of the firefighter or ambulance worker has been permanently and totally lost as a result of an injury suffered in the line of duty. These benefits, paid without regard to previous earnings, are \$400 per week.

**TEMPORARY TOTAL DISABILITY** benefits are paid weekly to a volunteer firefighter or ambulance worker if disability is suffered in the line of duty and earning capacity has been lost

temporarily and totally as a result of injury. For an injury occurring on or after 7/1/92, the amount is \$400.

**TEMPORARY PARTIAL DISABILITY** cases and most permanent partial disability cases are compensated each week on the basis of the percentage of earning capacity lost. For an injury occurring on or after 7/1/92, the amounts are as follows:

#### Loss of Earning Capacity

- 75% (or greater) ..... \$400
- 50-75% ..... \$268
- 25-50% ..... \$ 30

**PERMANENT PARTIAL DISABILITY** benefits are paid if a disability occurs in the line of duty that involves the loss of a body part or the loss of its use or the loss of hearing or vision. Benefits are limited to a certain number of weeks, according to a schedule set by law.

**DISFIGUREMENT** — For serious permanent facial, head or neck disfigurement, an additional award of up to \$20,000 is made to volunteer firefighters and volunteer ambulance workers, depending upon the date of the accident.

### Death Benefits

**FUNERAL BENEFIT** — Reasonable funeral expenses are paid for each deceased volunteer firefighter up to \$6,000, and up to \$3,000 for each volunteer ambulance worker.

**LUMP SUM DEATH BENEFIT** — A \$50,000 lump-sum death benefit payment is made to the surviving spouse or the estate of a volunteer firefighter or \$5,000 to that of a volunteer ambulance worker killed in the line of duty. This is in addition to any other benefits provided by the law.

**WEEKLY DEATH BENEFIT** — Weekly death benefits are paid to the surviving spouse, as well as to dependent children under the age of 18 (or under 25 if attending school full time), when a volunteer firefighter or ambulance worker's death results from service performed in the line of duty. The amount of the weekly benefit will depend on the date that the accident occurred.

When a firefighter or ambulance worker dies and leaves a spouse and dependent children or dependent children only, these weekly benefits are apportioned among the survivors.

When a surviving spouse remarries, a lump-sum payment is made to the spouse while benefits still are paid to any dependent surviving children.