

**1999 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2237**

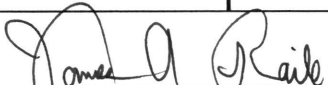
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2237

Senate Government and Veterans Affairs Committee

Conference Committee

Hearing Date January 29, 1999

Tape Number	Side A	Side B	Meter #
1	X		4227-END
1		X	0-1130
Committee Clerk Signature 			

Minutes: CHAIRMAN KREBSBACH opened the hearing on SB 2237 which relates to public employee emergency services volunteers. SENATOR JUDY DEMERS, district 18, Grand Forks, primary sponsor of the bill appeared before the committee. A copy of her written testimony is attached. There were no questions offered from the committee members. CHRIS RUNGE-Executive Director of the NDPEA, AFT Local 4660, AFL-CIO, appeared before the committee to testify in support of SB 2237. A copy of her written testimony is attached. SENATOR KILZER asked if Ms. Runge knew what would be classified as a level II disaster by the Red Cross. She indicated she did not know. There were no other questions from committee members. JERRY NIES, private citizen and public employee appeared before the committee to testify in support of SB 2237. A copy of his written testimony is attached. He asks for the addition of ham radio operators to section 2 of the bill. There were no questions from committee members. DENNIS MURPHY, NDDOT-retired appeared before the committee speaking in

support of this bill. Appearing in a neutral position on the bill was CONNIE

SPRYNCZYNATYK-ND League of Cities, appeared before the committee in a neutral position on the bill. She spoke to the committee about the issue of donated services. (Tape 1, Side B, Meter #'s 700-1115). A question was offered by SENATOR DEMERS. There was no further testimony in support of, in neutral position, or in opposition to SB 2237. CHAIRMAN KREBSBACH closed the hearing on SB 2237.

*Committee Work February 4, 1999, Tape 2, Side B, Meter #'s 3600-4499*

*CHAIRMAN KREBSBACH indicated to the committee a clarification of a level 2 disaster according to the Red Cross. In the language from the previous sessions bill a level 2 disaster according to the Red Cross was a disaster that were categorized in the area of \$10,000 to \$50,000. A level 1 disaster is up to \$10,000, a level 3 disaster is from \$50,000 to \$240,000, and a level 4 is anything over \$240,000. Senator Kilzer: This is number of people displaced?*

*CHAIRMAN KREBSBACH: No that is dollars expended. SENATOR WARDNER: Madam Chairman, we have a proposed amendment on that bill, for the emergency radio operator.*

*Senator DeMers indicated she would move that amendment. The motion was seconded by Senator Wardner. Senator Thane: Madam chairman if you put that amendment on page 2 your title isn't right on page one, line 21. I think you'll have to put it in there too. Senator Thane indicated he would further amend the proposed amendment, seconded by Senator DeMers. A motion for DO PASS AS AMENDED was made by SENATOR WARDNER seconded by SENATOR MUTZENBERGER. ROLL CALL VOTE indicated 6 YEAS, 0 NAYS, and 1 ABSENT or NOT VOTING. SENATOR DEMERS will carry the bill.*

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2237 Amendment to:

Requested by Legislative Council Date of Request: 1-18-99

- 1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

OMB estimates that there will be no fiscal impact to the state of North Dakota. These salary dollars have already been appropriated, and would not result in any addition cost to the state.

- 2. State fiscal effect in dollar amounts:

Table with 6 columns: 1997-99 Biennium (General Fund, Special Funds), 1999-2001 Biennium (General Fund, Special Funds), 2001-03 Biennium (General Fund, Special Funds)

Revenues:

Expenditures:

- 3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium:
b. For the 1999-2001 biennium:
c. For the 2001-03 biennium:

- 4. County, City, and School District fiscal effect in dollar amounts:

Table with 9 columns: 1997-99 Biennium (Counties, Cities, School Districts), 1999-2001 Biennium (Counties, Cities, School Districts), 2001-03 Biennium (Counties, Cities, School Districts)

If additional space is needed, attach a supplemental sheet.

Signed Jeff Larshus

Typed Name Jeff Larshus

Date Prepared: 1-22-99

Department OMB

Phone Number 328-4902

PROPOSED AMENDMENTS TO SENATE BILL NO. 2237

Page 1, line 21, after <sup>the comma</sup> "firefighters," insert "emergency radio operator"<sup>S</sup>

Page 2, line 2, after "firefighter" insert ",<sup>LF</sup>emergency radio operator"

Renumber accordingly

Date: 2/04/99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2237

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

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

Action Taken Motion to Amend & Further Amend

Motion Made By Sen. DeMers Seconded By Sen. Wardner  
Sen. Thane Sen. DeMers

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM					
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 6 No 0

Absent 1

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

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

Date: 2/04/99  
Roll Call Vote #: 2

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2237

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_  
or

Conference Committee

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

Action Taken Do Pass as Amended

Motion Made By Sen. Wardner Seconded By Sen. Mutzenberger

Senators	Yes	No	Senators	Yes	No
SENATOR KREBSBACH	✓				
SENATOR WARDNER	✓				
SENATOR KILZER	✓				
SENATOR STENEHJEM					
SENATOR THANE	✓				
SENATOR DEMERS	✓				
SENATOR MUTZENBERGER	✓				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Sen. De Mers

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

Proposed Amendment to SB2237

Page 2, line 2, after “firefighter” insert “, emergency radio operator”

1, line 21

or

Page 2, line 2, after “firefighter” insert “, emergency radio operator, police officer”



**REPORT OF STANDING COMMITTEE**

**SB 2237: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2237 was placed on the Sixth order on the calendar.

Page 1, line 21, after the comma insert "**emergency radio operators,**"

Page 2, line 2, after "firefighter" insert ", emergency radio operator"

Renumber accordingly

**1999 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2237**

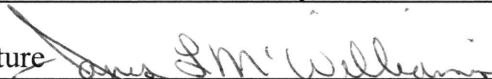
1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2237

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3-5-1999

Tape Number	Side A	Side B	Meter #
1	X		11.7 - 36.3
1		X	20.0 - 27.6
Committee Clerk Signature 			

Minutes: Some of the individuals testifying submit written testimony. When noted please refer to it for more detailed information.

Representative Klein, Chairman of the GVA Committee opened the hearing on March 5, 1999.

Summary of the Bill: Relating to public employee emergency services volunteers.

Testimony in Favor:

Senator DeMers, Appeared before the committee to introduce the bill and to submit written testimony which she read in it's entirety (**please refer to her testimony**).

Representative Klemin, Section 1, line 8 what is a level 2 disaster in Texas for example. Would the employee have up to 5 days of leave. It's a nationwide type of thing.

DeMers, Yes they would have 5 days. Section 1 is nationwide, not section 2. Level 2 is \$50,000 to \$100,000.

Representative Devlin, It doesn't really say for short term.

DeMers, It says to respond to an emergency call. That would be short term, maybe a matter of hours.

Representative Thoreson, Two years ago we had a bill that we passed and that was permissive also wasn't it?

DeMers, That's correct.

Representative Klemin, In section 2 is short term less than 5 days?

DeMers, I see it as maybe a few hours, 2 to 3 in that area.

Chris Runge, NDPEA appeared before the committee and submitted written testimony which she read in it's entirety (**please refer to her testimony**).

Representative Thoreson, Could you give me your definition of short term?

Runge, Short term would be for a fire fighter in a small community and they have to go out to put out a fire and then go back to work. Section 2 would be for local communities.

Representative Klemin, Line 12 on page 1 using an example of say a janitor goes out and fills sandbags in Grand Forks, would he get paid for that?

Runge, That would be a policy decision within his department and he would have to do this routinely (disasters).

Garry Nies, Ham radio operator submitted written testimony to the committee which he read in it's entirety (**please refer to his testimony**).

Representative Klein, How does it work for a state employee versus a private employee? Do they feel left out because you get leave and maybe a private employee doesn't?

Nies, That would depend on the employer. A lot of times private employers feel this is worth it and will allow their employees time to help the community.

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number SB 2237

Hearing Date 3-5-1999

Representative Klein, What was the percentage ratio for this in Grand Forks?

Nies, I was the only ND public employee for ham radios.

Dennis Murphy, ARRL SEC(amateur radio league) appeared before the committee in support of the bill.

Paul Meyers, Civil Air Patrol appeared before the committee in support of the bill. This would be extremely helpful to have our members have this time.

Testimony in Opposition: None.

Representative Klein, Closed the hearing on SB 2237.

Committee Action:

Representative Haas, Made a motion for a Do Pass.

Representative Brekke, Seconded the motion.

Representative Devlin, I had intended to propose amendments on section 2. Amend on Page 2, line 1. I was going to change "and" to "a" and put the word local in there.

Representative Hawken, For those of us on the borders, would local include our friends and neighbors in Minnesota?

Representative Devlin, Yes.

Representative Klemin, I guess I am not sure what a level 2 disaster is.

Representative Devlin, The language is permissive.

Representative Hawken, The Red Cross is very careful and I really don't think it is going to be a problem. Also these people pay their expenses, so it's not an abusive situation.

Motion Passes: Do Pass **13-0-2**.

Representative Hawken, Is the carrier for the bill.

Date: 3-5-99

Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2231

House GOVERNMENT AND VETERANS AFFAIRS Committee

- Subcommittee on \_\_\_\_\_
- or
- Conference Committee

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

Action Taken DO PASS  
DO PASS

Motion Made By HAAS Seconded By BREKKE

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP. WINRICH	✓	
VICE-CHAIR KLINISKE	✓				
REP. BREKKE	✓				
REP. CLEARY	✓				
REP. DEVLIN	✓				
REP. FAIRFIELD					
REP. GORDER	✓				
REP. GRANDE					
REP. HAAS	✓				
REP. HAWKEN	✓				
REP. KLEMIN	✓				
REP. KROEBER	✓				
REP. METCALF	✓				
REP. THORESON	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment HAWKEN

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

REPORT OF STANDING COMMITTEE (410)  
March 5, 1999 12:39 p.m.

Module No: HR-40-4120  
Carrier: Hawken  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

SB 2237, as engrossed: **Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2237 was placed on the Fourteenth order on the calendar.

**1999 TESTIMONY**

**SB 2237**



## TESTIMONY - SB 2237

Presented by: Senator Judy DeMers, District 18

January 29, 1999

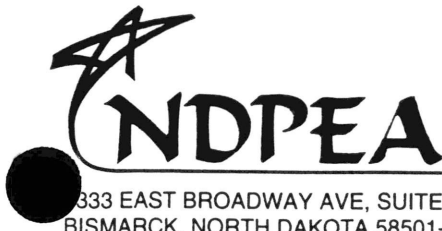
Chairman Krebsbach and members of the Senate Government and Veterans Affairs Committee. For the record, my name is Judy DeMers. I represent District 18, consisting of part of Grand Forks and part of the Grand Forks Air Force Base, in the North Dakota Senate. I appear this morning as the prime sponsor of SB 2237.

I introduced SB 2237 at the request of a public employee who resides in Grand Forks and who works at the Developmental Center in Grafton. Another factor in my decision to submit this bill was my experience on the Interim Insurance and Health Care Committee. As we studied North Dakota's emergency medical services, the extent of the state's dependence on volunteers as front-line providers was emphasized over and over again. I also recognize that many types of emergency services, not just medical, are in this same position -- dependent on volunteers -- either to provide or augment the particular service (police, firefighter, civil air patrol, or emergency radio operator).

SB 2237 has two distinct sections. Section 1 defines the granting of leave to full-time public employees under an order or proclamation declaring a state of disaster or emergency pursuant to Chapter 37-17.1, or a declaration of at least a level 11 disaster by the American Red Cross. The terms and conditions of leave which are specified within this section are identical to those in the bill we passed in 1997 for Red Cross volunteers. They include provision of a leave of up to five working days during any calendar year without the loss of compensation, seniority, annual leave, sick leave, or accrued overtime for the purpose of providing voluntary emergency services.

Section 2 of SB 2237 provides for the granting of temporary short-term leave with compensation for a full-time public employee. The purpose of the leave must be responding to an emergency call if the employee is a volunteer emergency medical service provider, firefighter, or a member of the civil air patrol.

Madam Chairman and Committee Members, SB 2237 will support our public employees who are providing valuable volunteer emergency services in communities across North Dakota. It, hopefully, will also encourage and facilitate volunteer efforts by others. I ask your favorable recommendation for SB 2237. Thank you.



NORTH DAKOTA  
PUBLIC EMPLOYEES ASSOCIATION

AMERICAN FEDERATION  
OF TEACHERS LOCAL 4660 AFL-CIO



333 EAST BROADWAY AVE, SUITE 1220  
BISMARCK, NORTH DAKOTA 58501-3396

701-223-1964  
1-800-472-2698

EMAIL: [ndpea@btigate.com](mailto:ndpea@btigate.com)  
WEBSITE: [www.ndpea.org](http://www.ndpea.org)

## TESTIMONY IN SUPPORT OF SB 2237

**Before the Senate Government and Veterans Affairs Committee  
North Dakota Public Employees Association, AFT Local 4660, AFL-CIO  
January 28, 1999**

Chairman Krebsbach and members of the Senate Government Veterans Affairs Committee, my name is Chris Runge and I am Executive Director of the North Dakota Public Employees Association, AFT 4660, AFL-CIO. I am here to testify in support of SB 2237. NDPEA asked to have this bill sponsored on behalf of public employees who are volunteer their time to serve in various capacities of public service other than their typical eight to five jobs. Public employees serve as volunteer firefighters, civil air patrol volunteers, and emergency radio operators as well as in other capacities that I am sure I have failed to mention.

Public employees routinely give of their own time to assist their home community in providing emergency services when needed. These communities are unable to fund these services through government funds so volunteers are an integral part of protecting communities and assuring communities that basic emergency services will be provided. Public employees contribute to a community's ability to provide critical community services such as emergency medical technicians, firefighters, and volunteer emergency radio operators. We saw heroic examples of public employees serving their community during the 1997 Flood of Grand Forks. I was absolutely amazed to hear some of the stories public employees told of their volunteer

*Quality Services from Quality People*

---

# Testimony

services to the public during that disaster. In the face of their own personal disasters public employees assisted Grand Forks as emergency volunteers in many different areas.

This bill would grant a leave of absence to any full-time employee of a governmental entity who is an emergency medical service provider, a member of the civil air patrol, a fire fighter, emergency radio operator or who performs other services necessary in an emergency. Public employees should not have to use their annual leave or sick leave to provide emergency services to the communities where they live.

NDPEA hopes you give this bill every consideration and urges a DO PASS on SB 2237.

Thank you and I am available to answer any questions you may have.

**TESTIMONY IN SUPPORT OF SB 2237**

**Before the Senate Government and Veterans Affairs Committee  
January 28, 1999  
Jerry Nies**

Chairman Krebsbach and members of the Senate Government Veterans Affairs Committee, my name is Jerry Nies and I am here to testify in support of SB 2237. I am here to talk about something that I hope no one else ever needs. I know your are or at least you will be tired of hearing about the Flood of 97 but I want to talk to you about one of the positives. That is the volunteers who contributed thousands maybe even hundreds of thousands of hours.

I like many of you wear many hats; public employee, ham radio operator and Amateur Radio Emergency Services Emergency Coordinator. Unfortunately ham radio operators while being good at communications, we are not good at communicating what we do. I'm a fool. I (as long as my wife isn't here I can tell you) and other hams own thousands of dollars worth of equipment. And then I volunteer many hours, often over a hundred each years. I do that around my "normal job".

Each year we provide communication for many events that take place in our community like walks, triathalons, Prairie Rose Games, and taking kids fishing in Bismarck. We provide trained observers for the National Weather Service. Whenever there is a severe weather watch or warning there are ham radio operators at National Weather Service and where there are hams out in the field acting as "ground truth." We do all this for training for the emergency that we hope will never happen.

Well, in Grand Forks it did! Ham radio operators provided emergency communications for a number of aspects of the flood. We trained and maintained the dike walker networks (we, however, will not be responsible for the water coming over the dikes.) We had plans and

equipment in place so that public service communications would continue to function when a move needed to be made from the soon to be flooded Emergency Operations Center downtown. Then when the move was needed we had everything up and running in approximately 90 minutes.

At one time Grand Forks police, Grand Forks County Sheriff, Grand Forks engineering department, State Highway patrol, Coast Guard, Red Cross, Salvation Army and others were all operating on radio equipment installed by ham radio operators. Our Public Safety Answering Point coordinator said, "The ham radio people came in and got the radios running quick and dirty and than later the commercial people came in but they were just dirty." In some cases we moved these stations several times. In the case of the Red Cross and Salvation Army the communications were being done by ham radio operators.

When I saw the possible severity of the event coming I went to my human resources department and asked about how we could handle this. And after a number of phone calls they said we don't know, there is no policy. There was a law that was established during the last legislative session if you were a Red Cross worker. Thank you, for the flood I became a Red Cross communications person.

I am trying to make it easier for those of us who do some pretty "interesting" work for no or very minimal pay that would cost the governmental entities of North Dakota a very large amount of money. This includes Emergency Medical people, the Civil Air Patrol and Firefighters.

Would you want the firefighter who is coming to fight the fire at your house to say "I'm not sure I have enough annual leave that I can do this?" Or that they should have to pay to go

fight the fire at your house?" That is the situation at the present time. If you do go fight fire you are on annual leave. I don't think this is right.

In closing, I would encourage you to Send Senate Bill 2237 to the floor with a DO PASS. If there are any questions, I would be glad to try to answer them.

Thank you for your time.

To: Senate Government and Veterans Affairs Committee  
From: William Illingworth  
RE: SB 2337  
Date: February 4, 1999

I spoke with John Bjiornson concerning the sentence in SB2337 which provides that "A person on leave under this section is not deemed to be an employee of the government entity for the purposes of workers' compensation." He indicated that this sentence was included in the bill so that if a government employee is allowed to volunteer and is injured while assisting in the disaster, the employee will not be able to collect workers' compensation. According to 1997 SB2057 testimony, which provided the original provision relating to government employee volunteer emergency service, the language has also been adopted by other states to deal with this possibility.

I also looked into what situation constitutes a level II disaster. According to testimony from 1997, a level II disaster occurs when the Red Cross must expend up to 50,000 to aid in the emergency situation.

Also, I attached a copy of 1997 SB2057 as it appears relevant to your consideration of 1999 SB2237.

**SENATE BILL NO. 2057**

Introduced by

Senator Lips

1 A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota  
2 Century Code, relating to the provision of paid leave for disaster services volunteers.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 54-06 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Disaster services volunteers - Leave.** Upon issuance of the governor's executive  
7 order or proclamation declaring a state of disaster or emergency on a statewide basis, the  
8 executive officer in charge of a state agency may grant a leave of absence to any full-time  
9 employee of that agency who is certified by the American red cross as a disaster services  
10 volunteer. The leave of absence must be for the purpose of allowing that employee, upon  
11 request by the American red cross, to participate in disaster relief services. The cumulative  
12 leave granted under this section may not exceed five working days during any calendar year.  
13 The leave may not result in a loss of compensation, seniority, annual leave, sick leave, or  
14 accrued overtime for which the employee is otherwise eligible.



1997 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2057

Senate GOVERNMENT AND VETERAN'S AFFAIRS Committee

Subcommittee on \_\_\_\_\_

Identify or  
check where  
appropriate

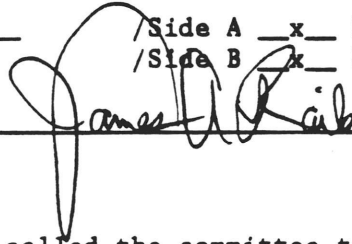
Conference Committee \_\_\_\_\_

Hearing Date JANUARY 10, 1997

Tape Number 1

Side A x Meter # 15.5-End  
Side B x Meter # 1.4-10.4

Committee Clerk Signature \_\_\_\_\_



Minutes:

Vice-chairperson Kringstad called the committee to order on SB 2057 which is a bill relating to the provision of paid leave for disaster services volunteers.

Senator Krebsbach indicated that Senator Lips introduced this bill for a lady from Red Cross. She (the lady from Red Cross) did speak with Senator Krebsbach about the possibility of postponing the hearing on the bill, however it had already been posted, so what the intent was, was to open the hearing on it, recess the hearing, and then continue it the next week when those involved would be able to be here. The lady from Red Cross had to be out of town and was unable to attend the hearing when it was scheduled.

Chris Runge, the new executive director for the North Dakota Public Employees Association and Secretary/Treasurer of the North Dakota AFL-CIO indicated that her organizations were in support of this legislation and helped draft it. The bill allows those folks called out for disaster emergency services not to take their annual leave if they are identified as Red Cross volunteers. When the folks from Red Cross are able to be here, Ms. Runge will return and continue with her testimony.

Senator DeMers inquired if Ms. Runge knew if there were other organizations that have these kind of volunteers. DeMers thought that perhaps the committee should be looking at other legitimate groups.

Chris Runge indicated that NDPEA passed a resolution at their meeting last fall looking at those folks who are state employees or county or municipal employees who are also EMTs or Firemen, Volunteer Fire Department Folks, any of those in those political subs, education or anything so that they would not when they are called out for this kind of emergency, that those folks

would not have to take their own annual leave time with which to do this public service. She did not put in a bill and she did not put in an amendment with this bill because she did not want to muddy the waters. If it would be possible she would certainly love to put it as an amendment there. She would rather talk with the folks from Red Cross. However, she felt this was one of the resolutions which her agencies passed.

Following her testimony a number of the Senators posed questions or made comments regarding what was presented. Some references to the content of the bill were also made and discussed at this time.

Sandy Tabor, Executive Director of the State Bar Association and former member of the National Guard answered a question posed by Senator Thane regarding payment to members of the National Guard. Ms. Tabor indicated that the National Guard, depending on the nature of the emergency, is either paid by the fed's or by the state once they are called out. It is then up to each individual National Guard members employer to determine if they will make up the difference in the individuals salary and what they are paid by the Guard. If you're a state employee your pay is not docked while you are working for the National Guard in an emergency capacity.

A discussion again took place with several of the senators posing questions or commenting.

It was suggested by Senator Stenehjem that perhaps the intern for the committee could research some background information for the committee regarding the history of state-wide disaster declarations.

Ms. Runge stated that she could perhaps research or gather more information for a "friendly amendment".

Senator Krebsbach also wondered if there might be a need for a fiscal note. She also indicated that this Bill will be continued on Thursday, January 16, 1997 at 2:30 p.m.

Also appearing to testify before the committee was Mark Haugen, president of the Emergency Medical Services Association. He spoke as an interested bystander on this particular piece of legislation. He discussed the possibility of consideration of a friendly amendment to broaden those covered under this bill.

Senator C. Nelson asked Mr. Haugen to tell the committee a little more about the organization he is with and the persons they represent. He indicated that he and his organization represent about 6000 people here in the State of North Dakota.

There was no further testimony in support of the bill. No one appeared as neutral or in opposition to the bill.

The Chairperson Kringstad recessed the hearing at this time.

Committee discussion ensued at this time.

January 16, 1997: Hearing Continued on SB 2057-

Appearing before the committee at this time was Sandi Talkington representing the American Red Cross. A copy of her written testimony is attached. She asked the committee to give favorable consideration to this bill and hoped they would give a Do Pass recommendation on this legislation. (Tape 3 Side A)

Following her testimony Ms. Talkington responded to questions from Senators Kringstad, Krebsbach, C. Nelson, DeMers, and Stenehjem.

Chris Runge, appeared before the committee once again. At this time she explained the proposed amendments to this legislation. Questions were offered by Senators Stenehjem, Thane, and Krebsbach. During the discussion some concerns regarding, workers comp., annual leave, responsibility for payment, and the spirit of volunteerism were discussed.

There was nothing further from the committee at this time. No additional testimony was offered in support of, neutral position, or against SB 2057. Chairperson Krebsbach closed the hearing on SB 2057 at this time.

1/23/97: Senator Krebsbach asked Fred Hofman, intern for the committee to explain the amendments which had been prepared for this particular bill at the committees request. Following the introductory information, the committee discussed the proposed amendments. Senator Krebsbach gave an overall review of what these amendments would do to the bill.

Following committee discussion Senator W. Stenehjem made a motion to adopt proposed amendments on SB 2057, seconded by Senator LaFountain. Once again discussion ensued. The discussion revolved around the words "any state" versus "contiguous" states. A roll call vote was taken with 7 AYES, 0 NAYS, and 0 ABSENT OR NOT VOTING. Amendments were adopted.

At this time Seantor W. Stenehjem made a motion for DO PASS AS AMENDED on SB 2102, seconded by Senator Thane. Roll call vote indicated 7 AYES, 0 NAYS, and 0 ABSENT OR NOT VOTING.

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2057 Amendment to: \_\_\_\_\_

Requested by Legislative Council Date of Request: 1-10-97

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative:

The fiscal impact of this bill cannot be determined.

2. State fiscal effect in dollar amounts:

1995-97 <u>Biennium</u>		1997-99 <u>Biennium</u>		1999-2001 <u>Biennium</u>	
<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>	<u>General</u>	<u>Special</u>
<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>	<u>Fund</u>	<u>Funds</u>

Revenues:

Expenditures:

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

a. For rest of 1995-97 biennium: \_\_\_\_\_

b. For the 1997-99 biennium: \_\_\_\_\_

c. For the 1999-2001 biennium: \_\_\_\_\_

4. County, City, and School District fiscal effect in dollar amounts:

1995-97 <u>Biennium</u>			1997-99 <u>Biennium</u>			1999-2001 <u>Biennium</u>		
<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>	<u>Counties</u>	<u>Cities</u>	<u>School Districts</u>

If additional space is needed, attach a supplemental sheet.

Date Prepared: 1-13-97

Signed Sheila Peterson

Typed Name Sheila Peterson

Department OMB

Phone Number 328-4905

January 22, 1997

PROPOSED AMENDMENTS TO SENATE BILL NO. 2057

Page 1, line 6, replace "the governor's executive" with "an"

Page 1, line 7, replace "on a statewide basis" with "pursuant to chapter 37-17, or a declaration of at least a level II disaster by the American red cross in this or any other state"

Page 1, line 11, after the period insert "A person on leave under this section is not deemed to be an employee of the state for the purposes of workers' compensation."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2057: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "the governor's executive" with "an"

Page 1, line 7, replace "on a statewide basis" with "pursuant to chapter 37-17.1, or a declaration of at least a level II disaster by the American red cross in this or any other state"

Page 1, line 11, after the period insert "A person on leave under this section is not deemed to be an employee of the state for the purposes of workers' compensation."

Renumber accordingly

1997 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2057

House Government And Veterans Affairs Committee

Subcommittee on \_\_\_\_\_

Identify or  
check where  
appropriate

Conference Committee \_\_\_\_\_

Hearing Date 3-6-1997

Tape Number 1 /Side B X Meter # 1560-END  
Tape number 2 /Side A X Meter # 0-1220

Committee Clerk Signature  \_\_\_\_\_

**MINUTES:** Some of the individuals testifying submit written testimony. When noted please refer to this for more detailed information.

**SUMMARY OF THE BILL:** Paid leave for disaster services volunteers.

**REPRESENTATIVE WARDNER,** Chairman of the GVA Committee opened the hearing on March 6, 1997.

**TESTIMONY IN FAVOR:**

**MS. SANDY TALKINGTON,** Red Cross submitted written testimony to the committee. **\*\* Please refer to this.** She read it in it's entirety.

**REPRESENTATIVE KLINISKE,** In subsection 3, if they can currently do this, why are we discussing this bill.

**TALKINGTON,** This would be an additional 5 days.

**REPRESENTATIVE AXTMAN,** Is this in state only?

**TALKINGTON,** The Senate amended it to say any state.

**REPRESENTATIVE KLEIN,** How many state employees are we talking about?

**TALKINGTON,** Roughly 20.

**REPRESENTATIVE SCHMIDT,** You only have 5 days listed here. That doesn't seem like much.

TALKINGTON, We wanted to be conservative. We thought if we asked for more we wouldn't get anything.

REPRESENTATIVE DEVLIN, If the volunteers go out of state does the Red Cross have to pick up the tab.

TALKINGTON, Yes, but we do look at are expenses and cost wise.

REPRESENTATIVE SABBY, What about worker compensation?

TALKINGTON, Red Cross pays it. States workmen's compensation will not pay.

REPRESENTATIVE THORESON, Line 9, state may grant leave. Is there a problem with to many people being gone?

TALKINGTON, We have control over the number of people be called to service.

TESTIMONY IN OPPOSITION: None.

COMMITTEE ACTION:

REPRESENTATIVE AXTMAN, Motion for a Do Pass.

REPRESENTATIVE CLARK, Seconded the motion.

REPRESENTATIVE CLARK, Now that I think of it, I think there should be an emergency clause put in for this springs floods.

REPRESENTATIVE KLEIN, I agree.

SUBSTITUTE MOTION:

REPRESENTATIVE KLEIN, Motion to adopt an amendment for an emergency clause.

REPRESENTATIVE STENEHJEM, Seconded the motion.

MOTION PASSES: Vocal.

MOTION PASSES ON THE AMENDED BILL: Do Pass, 14 Yeas, 1 No.

REPRESENTATIVE SCHMIDT, Is the carrier for the bill.

METER# 1220.



YR  
5/6/97

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2057 GVA 3-6-1997

Page 1, line 2, after "volunteers" insert "; and to declare an emergency"

Page 1, after line 16, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2057, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2057 was placed on the Sixth order on the calendar.**

Page 1, line 2, after "volunteers" insert "; and to declare an emergency"

Page 1, after line 16, insert:

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

Renumber accordingly



Madam Chair and committee members,

I am Sandi Talkington with the American Red Cross. Thank you for allowing me to testify before your committee. On behalf of the American Red Cross, I ask for your support of Senate Bill 2057 regarding Disaster Services Volunteer Leave. The American Red Cross is a unique private, nonprofit organization with a humanitarian mission to provide relief to victims of disasters and help people prevent, prepare for, and respond to emergencies. This legislation will go a long way toward helping the Red Cross fulfill its mission.

For more than 100 years the American Red Cross has provided help to victims of disasters. It is the only non-governmental disaster relief organization chartered by Congress to provide relief to victims of major disasters. It is also the only organization, public or private, that maintains a relief capacity specifically for victims of disaster throughout the country, 24 hours a day, 365 days a year. Every year Red Cross disaster workers respond to about 60,000 disasters including hurricanes, floods, earthquakes, tornadoes, single family and apartment fires, along with other natural and human-caused disasters. Every day in North Dakota and across our nation someone is in need of emergency services. When a disaster strikes, American Red Cross needs qualified and trained volunteers who can answer the call for immediate recovery support.

Help On Call

Although North Dakota is not a high disaster incident state, at least 18 major incidents have occurred in the last ten years. Flooding in various areas of the state was the most common type of major incident. We also have experienced train derailments, and chemical fires, severe summer storms including tornadoes, and a plant explosion. This spring the possibility of major flooding exists again.

This bill will strengthen our state disaster preparedness. Local trained volunteers would increase the state's ability to respond to disasters in a matter of hours. Senate Bill 2057 will give North Dakota access to additional local trained disaster workers because it allows state employees a maximum of five days paid leave to volunteer within the state. They allow these five days of leave during a calendar year, without loss of seniority, vacation time, and sick leave or earned overtime accumulation.

Currently 30 states and two territories have disaster leave policies. The first state to enact disaster leave was Ohio in 1983. Attachment A lists these states and includes the year the law was passed, the number of leave days granted, and jurisdiction.

I would like to share with the committee three important reasons to support Senate Bill 2057.

1. State employees already possess many skills needed during times of disaster. Some state employees have skills that they can easily transfer to disaster operations, such as, shelter management, mass feeding, damage assessment, and family services. While on assignment, state employees will gain experience and training that will benefit the state employee, their agencies, and the citizens they serve.

2. The North Dakota Emergency Operations Plan prepared by State Emergency Management and many North Dakota county plans include the Red Cross's participation in relief efforts. Additional local trained volunteers would increase the state's ability to respond to disasters.
3. Disaster leave is not an additional expense for state government. State agencies have full authority to grant orderly requests for leave. The bill states that employees must get approval from their supervisors, who can base decisions on competing demands. The training of state employees to become Red Cross disaster volunteers does not cost the state anything. State employees must complete the necessary disaster training on their own time.

Senate Bill 2057 gives our state access to additional volunteers trained in disaster services. State employees can volunteer without loss of compensation, seniority, or benefits. I encourage you to support Senate Bill 2057 and am willing to answer any questions.

## STATES WITH DISASTER LEAVE POLICIES

States/ Territories	Year Passed	No. of Paid Leave Days	Law pertains to all states, contiguous states, or state only	Notes:
Alabama	1995	30	all states	
Colorado	1996	5-10	all states	
Connecticut	1989	14	state only	
Delaware	1995	15	all states	
Florida	1994	15	all states	
Illinois	1991	20	state only	
Indiana	1995	15	state only	
Iowa	1995	15	state only	
Kansas	1993	20	state and contiguous states	
Kentucky	1994	TBD	state only	Request must come from a local emergency services agency; duration as long as volunteers are needed.
Louisiana	1995	15	all states	
Maryland	1994	15	state and contiguous states	
Minnesota	1994	15	all states	
Mississippi	1994	20	state and contiguous state	
Missouri	1995	15	all states	Participation is limited to a maximum of 25 employees at any one time.
Nebraska	1993	15	state only	
Nevada	1995	15	state and contiguous states	
North Carolina	1993	15	state only	
Ohio	1983	30	all states	
Oklahoma	1994	15	state only	
Oregon	1995	15	state only	
Pennsylvania	1993	TBD	state only	This law grants an administrative leave. Volunteer must be a certified ARC disaster worker. Leave granted only after Governor declares a state of emergency.

**STATES WITH DISASTER LEAVE POLICIES**

States/ Territories	Year Passed	No. Of Paid Leave Days	Law pertains to all states, contiguous states, or state only	Note
Puerto Rico	1994	30	all states	
Rhode Island	1995	10	all states	
South Dakota	1996	10	state only	
Tennessee	1992	15	all states	
Texas	1993	5	state only	Maximum 500 participants at any on time.
Vermont	1996	15	all states	
Virgin Islands	1995	20	all states	Provides up to 10 working days annually to participate in Red Cross training.
Virginia	1993	14	all states	This law grants an administrative leave. Disaster leave policy is addressed in state's Personnel and Training Manual.
West Virginia	1996	15	all states	
Wyoming	1994	15	all states	This law grants administrative leave.

**TOTAL LEAVE DAYS GRANTED BY OTHER STATES**

Number of States	3	4	17	2	3	1	2
Days Granted	30	20	15	14	10	5	TBD

Note: **TBD = To Be Determined**

Presented by Chris Runge  
1-16-97

At the request of the Senate Government and Veterans Affairs Committee, Sen. Krebsbach, Chair

AMENDMENT TO SB 2057

Page 1, line 2, after "disaster" insert "and emergency"

Page 1, line 6, after "~~Disaster~~", insert "~~and emergency~~"; after "of" insert "an", remove "the governor's executive"

Page 1, line 7, replace "on a statewide basis" with "in the state"

Page 1, after line 14, insert:

Section 2. A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

**Public Employee—Emergency Services Volunteer.** Leave ~~shall~~ <sup>may</sup> be provided for persons in the employment of the state or political subdivision for the purpose of providing volunteer emergency services. Emergency services include volunteer firefighter, police, or emergency medical <sup>services personnel</sup> ~~technicians~~. The leave may not result in a loss of compensation, seniority, annual leave, sick leave, or accrued overtime for which the employee is otherwise eligible.



A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the provision of paid leave for disaster services volunteers.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

**Disaster services volunteers-Leave.** Upon issuance of an order or proclamation declaring a state of disaster or emergency, pursuant to chapter 37-17, or a declaration of at least a Level II disaster by the American red cross, in this state or in any state, the executive officer in charge of a state agency may grant a leave of absence to any full-time employee of that agency who is certified by the American red cross as a disaster services volunteer. The leave of absence must be for the purpose of allowing that employee, upon request by the American red cross, to participate in disaster relief services. An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for the purposes of worker's compensation. The cumulative leave granted under this section may not exceed five working days during any calendar year. The leave may not result in a loss of compensation, seniority, annual leave, sick leave, or accrued overtime for which the employee is otherwise available.

POSSIBLE AMENDMENTS FOR SENATE BILL NO. 2057

In regards to concerns raised relating to **workers compensation**. Other states have added language to clarify workers compensation does not follow the volunteer.

"An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for the purposes of workers compensation."

In regards to other states who allow such service into other, **contiguous states**, they have used this language:

". . . disaster . . . in this state and in states contiguous to this state."

or

". . . disaster . . . in this state or in Minnesota, South Dakota, Montana, Manitoba, and Saskatchewan."

In regards to **who can declare a disaster** besides the governor, the N.D.C.C. says ". . . a local disaster may be declared only by the principal executive officer of the county or city." N.D.C.C. § 37-17.1-10

note: North Dakota defines who can declare a disaster, but if expanded to contiguous states, should it matter who declares a disaster in Minnesota? Does there just have to be a disaster declared in accordance with that states laws on disaster declarations?

note: Why is this in Chapter 54-06, "General Provisions, State Officers" and not Chapter 37-17, "North Dakota Disaster Act"?

note: If contiguous language is adopted would it be "in this state and or or? or does it matter?

note: Some states follow a recommendation by the American Red Cross, allowing volunteers to be granted leave when a Level II disaster has been declared. Level II is a Red Cross category and occurs when a disaster costs the Red Cross up to \$50,000.

note: The National Red Cross has no specific language, but wants or prefers Level II language, allowance for 15 days, and inclusion of disaster areas in all states.



Chairman Wardner and committee members,

I am Sandi Talkington with the American Red Cross. Thank you for allowing me to testify before your committee. Speaking for the American Red Cross, I ask for your support of Senate Bill 2057 as amended regarding Disaster Services Volunteer Leave. The American Red Cross is a unique private, nonprofit organization with a humanitarian mission to provide relief to victims of disasters and help people prevent, prepare for, and respond to emergencies.

For more than 100 years the American Red Cross has provided help to victims of disasters. It is the only non-governmental disaster relief organization chartered by Congress to provide relief to victims of major disasters. Federal legislation in the 1974 Disaster Relief Act reaffirmed its role and again in the 1988 Disaster Relief and Emergency Assistance and the 1996 Air Disaster Family Assistance Act. The Red Cross is mentioned in the North Dakota Disaster Act of 1985. It is the only organization, public or private, that maintains a relief capacity specifically for victims of disaster throughout the country, 24 hours a day, 365 days a year.

Every year Red Cross disaster workers respond to about 60,000 disasters including hurricanes, floods, earthquakes, tornadoes, single family and apartment fires, along with other natural and human-caused disasters. Every day in North Dakota and across our nation someone is in need of emergency services. When a disaster strikes, American Red Cross relies on qualified and trained volunteers who can answer the call for immediate recovery support.

Help Can't Wait

Although North Dakota is not a high disaster incident state, at least 18 major incidents have occurred in the last ten years. Flooding in various areas of the state was the most common type of these major incidents. We also have experienced train derailments, chemical fires, severe summer storms including tornadoes, and a plant explosion. Attachment B is a copy of an article from the Bismarck Tribune Saturday, March 1 showing the 1997 flood forecast. This spring major flooding is not just a possibility, it is going to happen.

This bill will strengthen our state disaster preparedness. Local trained volunteers will increase the state's ability to respond to disasters in a matter of hours. Senate Bill 2057 gives North Dakota access to these volunteers by allowing state employees five days paid leave to serve on a disaster during a calendar year. Leave is granted without loss of seniority, vacation time, and sick leave or earned overtime accumulation.

Currently 30 states and two territories have disaster leave policies. Ohio was the first state to enact disaster leave in 1983. Minnesota and South Dakota currently have disaster leave laws and Montana is working on legislation. Attachment A lists states with laws and includes the year the law was passed, the number of leave days granted, and the jurisdiction allowed.

I would like to share three important reasons to support Senate Bill 2057 as amended.

1. State employees already possess many skills needed during times of disaster. They can easily transfer their skills to disaster operations in areas such as shelter management, mass feeding, damage assessment, and family service- all provisions mentioned in the North Dakota Disaster Act of 1985. While on assignment, state employees will gain

experience and training that will benefit themselves and the citizens they serve.

2. **The North Dakota Emergency Operations Plan prepared by State Emergency Management and many North Dakota county plans include the Red Cross's participation in relief efforts. Emergency management often seeks advice when revising those plans from volunteer organizations such as the Red Cross. Additional local trained volunteers will increase their ability to respond to disasters on a local and state level in a matter of hours.**
3. **Disaster leave is not an additional expense for state government. State agencies have full authority to grant orderly requests for leave. The bill states that employees must get approval from their supervisors, who can base decisions on competing demands. The training of state employees as Red Cross disaster volunteers does not cost the state anything. Employees must complete the necessary disaster training on their own time and the training itself is free.**

Passage of Senate Bill 2057 gives our state access to additional volunteers trained in disaster services. State employees can volunteer without loss of compensation, seniority, or benefits. I encourage you to support Senate Bill 2057 as amended and am willing to answer any questions.

**STATE EMPLOYEES RECRUITED FOR DISASTER LEAVE SERVICE**

As of September 30, 1996, the following statistics are available regarding the number of volunteers that have been recruited since disaster leave legislation was enacted in their respective states.

<u>STATE</u>	<u>YEAR ENACTED</u>	<u>NUMBER OF STATE EMPLOYEES ENROLLED AND SERVED</u>
Illinois	(1991):	40 employees have been enrolled in DSHR. 29 have served.
Kansas	(1993):	8 employees have served.
Maryland	(1994):	20 employees have served in disasters like Hurricanes Andrew and Marilyn and the North Ridge Earthquake.
Minnesota	(1994):	8 employees enrolled. None have served.
Mississippi	(1994):	5 employees have enrolled in DSHR. None have served.
Nebraska	(1993):	45 employees enrolled. 19 have served.
North Carolina	(1993):	More than 80 employees have been enrolled.
Ohio	(1983):	40 employees have been enrolled in DSHR. 30 have served.
Oregon	(1995):	Though not officially registered in their disaster leave program, 83 state employees served during the Oregon floods
Texas	(1993):	72 employees enrolled. 12 have served in flash floods and fires in the state.

## TESTIMONY - SB 2237

Presented by: Senator Judy DeMers, District 18

March 5, 1999

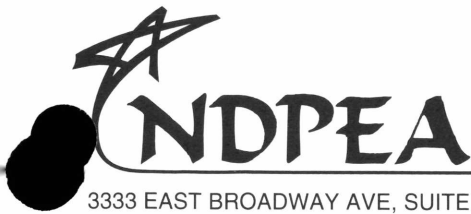
Chairman Klein and members of the House Government and Veterans Affairs Committee. For the record, my name is Judy DeMers. I represent District 18, consisting of part of Grand Forks and part of the Grand Forks Air Force Base, in the North Dakota Senate. I appear this morning as the prime sponsor of SB 2237.

I introduced SB 2237 at the request of a public employee who resides in Grand Forks and who works at the Developmental Center in Grafton. You will hear from Mr. Niess shortly. Another factor in my decision to submit this bill was my experience on the Interim Insurance and Health Care Committee. As we studied North Dakota's emergency medical services, the extent of the state's dependence on volunteers as front-line providers was emphasized over and over again. I also recognize that many types of emergency services, not just medical, are in this same position -- dependent on volunteers -- either to provide or augment the particular service (police, firefighter, civil air patrol, or emergency radio operator).

SB 2237 has two distinct sections. Section 1 defines the granting of leave to full-time public employees under an order or proclamation declaring a state of disaster or emergency pursuant to Chapter 37-17.1, or a declaration of at least a level II disaster by the American Red Cross. The terms and conditions of leave which are specified within this section are identical to those in the bill we passed in 1997 for Red Cross volunteers. They include provision of a leave of up to five working days during any calendar year without the loss of compensation, seniority, annual leave, sick leave, or accrued overtime for the purpose of providing voluntary emergency services. It also is clarified that the employee, while on leave, does not qualify for the state's worker's compensation program.

Section 2 of SB 2237 provides for the granting of temporary short-term leave with compensation for a full-time public employee. The purpose of the leave must be responding to an emergency call if the employee is a volunteer emergency medical service provider, firefighter, emergency radio operator, or a member of the civil air patrol.

Mr. Chairman and Committee Members, SB 2237 will support our public employees who are providing valuable volunteer emergency services in communities across North Dakota. It, hopefully, will also encourage and facilitate volunteer efforts by others. I ask your favorable recommendation for SB 2237. Thank you.



NORTH DAKOTA  
PUBLIC EMPLOYEES ASSOCIATION

3333 EAST BROADWAY AVE, SUITE 1220  
BISMARCK, NORTH DAKOTA 58501-3396

701-223-1964  
1-800-472-2698

AMERICAN FEDERATION  
OF TEACHERS LOCAL 4660 AFL-CIO



EMAIL: [ndpea@btigate.com](mailto:ndpea@btigate.com)  
WEBSITE: [www.ndpea.org](http://www.ndpea.org)

## TESTIMONY IN SUPPORT OF SB 2237

**Before the House Government and Veterans Affairs Committee  
North Dakota Public Employees Association, AFT Local 4660, AFL-CIO  
March 5, 1999**

Chairman Klein and members of the House Government Veterans Affairs Committee, my name is Chris Runge and I am Executive Director of the North Dakota Public Employees Association, AFT 4660, AFL-CIO. I am here to testify in support of SB 2237. NDPEA asked to have this bill sponsored on behalf of public employees who volunteer their time to serve in various capacities of public service other than their typical eight to five jobs. Public employees serve as volunteer firefighters, civil air patrol volunteers, and emergency radio operators as well as in other capacities that I am sure I have failed to mention.

Public employees routinely give of their own time to assist their home community in providing emergency services when needed. These communities are unable to fund these services through government funds so volunteers are an integral part of protecting communities and assuring communities that basic emergency services will be provided. Public employees contribute to a community's ability to provide critical community services such as emergency medical technicians, firefighters, and volunteer emergency radio operators. We saw heroic examples of public employees serving their community during the 1997 Flood of Grand Forks. I was absolutely amazed to hear some of the stories public employees told of their volunteer

*Quality Services from Quality People*

# Testimony



services to the public during that disaster. In the face of their own personal disasters public employees assisted Grand Forks as emergency volunteers in many different areas.

This bill would grant a leave of absence to any full-time employee of a governmental entity who is an emergency medical service provider, a member of the civil air patrol, a fire fighter, emergency radio operator or who performs other services necessary in an emergency. Public employees should not have to use their annual leave or sick leave to provide emergency services to the communities where they live.

NDPEA hopes you give this bill every consideration and urges a DO PASS on SB 2237.

Thank you and I am available to answer any questions you may have.

## TESTIMONY IN SUPPORT OF SB 2237

Before the House Government and Veterans Affairs Committee

March 5, 1999

Gerry Nies

Chairman Klein and members of the House Government and Veterans Affairs Committee, my name is Gerry Nies and I am here to testify in support of SB 2237. I am here to talk about something I hope no one else ever needs. I know you are or at least you will be tired of hearing of the Flood of '97 but I want to talk to you about one of the positives. That is the volunteers who contributed thousands maybe even hundreds of thousands of hours.

I like many of you wear many hats: public employee, ham radio operator and Amateur Radio Emergency Services Coordinator. Unfortunately ham radio operators while being good at communications, we are not good at communicating what we do. I'm a fool. I (as long as my wife isn't here I can tell you) and other hams own 1000s of dollars worth of equipment. And then I volunteer many hours with my equipment, often over a hundred each year. I do that around my "normal job"

Each year we provide communication for many events that take place in our community like walks, triathlons, Prairie Rose Games, taking kids fishing in Bismarck We provide trained observers for the National Weather Service. Whenever there is a severe weather watch or warning there are ham radio operators at National Weather Service and where there are hams they are out in field acting as "ground truth" We do all this for training for the emergency that we hope will never happen.

Well in Grand Forks it did! Ham radio operators provided emergency communications for a number of aspects of the flood. We trained and maintained the dike walker networks (we however will not be responsible for the water coming over the dikes). We had plans and

equipment in place so that public service communications would continue to function when a move needed to be made from the soon to be flooded Emergency Operations Center downtown. Then when the move was needed we had everything up and running at the new center at the University in approximately 90 minutes.

At one time Grand Forks Police, Grand Forks County Sheriff, Grand Forks engineering department, State Highway patrol, Coast Guard Red Cross Salvation Army and others were all operating on radio equipment that was installed by ham radio operators. Our Public Safety Answering Point coordinator said “The ham radio people came in and got the radios running quick and dirty and than later the commercial people came in but they were just dirty.” In some cases we moved these stations several times. In the case of Red Cross and Salvation Army the communications were being done by ham radio operators on ham radio equipment.

When I saw the possible severity of the event coming I went to my human resources department and asked about how we could handle this. And after a number of phone calls they said we don’t know there is no policy. There was a policy that was established during the last legislative session if you were a Red Cross worker. Thank you, for the flood I became a Red Cross communication person.

I am trying to make it easier for those of us who do some pretty “interesting” work for no or very minimal pay that would cost the governmental entities of North Dakota a very large amount of money. This includes Emergency Medical people the Civil Air Patrol and Firefighters.

Would you want the fire fighter who is coming to fight the fire at your house to say “I’m not sure I have enough annual leave that I can do this”? Or that they should have to pay to go fight the fire at you house?” That is the situation at the present time. If you do go fight a fire you are on annual leave. I don’t think this is right.

In closing I would encourage you to send Senate Bill 2237 to the floor with a do pass.

If there are any question I would be glad to try to answer them.

Thank you for your time