

January 26, 2023
House Political Subdivisions Committee
HB 1279
Rep. Donald W. Longmuir, Chair

For the record, I am Stephanie Dassinger Engebretson. I am appearing on behalf of the North Dakota League of Cities and the Chiefs of Police Association of North Dakota. I am the deputy director and attorney for the North Dakota League of Cities. Both entities support adjusting the Workforce Safety and Insurance (WSI) coverage to make sure full-time paid firefighters and law enforcement officers are covered for cardiac events that occur as a result of their work.

City leaders and police chiefs recognize the work that full-time paid firefighters and law enforcement officers do to make sure that individuals are safe. For the sacrifices that law enforcement officers and full-time paid firefighters make, it is our duty to make sure that WSI appropriately covers their work-related injuries. Recently, a West Fargo police officer had a heart related incident occur on duty after a physical altercation at the jail. Under the current WSI laws, there was not coverage for the incident. This should not have happened, and we need to do better.

This incredibly unfortunate event in West Fargo has made everyone acutely aware of the hole in coverage that exists for full-time firefighters and law enforcement officers with less than 5 years of continuous service within the state. The way HB 1279 is currently written, it eliminates the 5-years of continuous service requirement for what is colloquially called presumption clause coverage. Under the presumption clause, due to the stress of their profession, full-time firefighters and law enforcement officers are covered for heart related incidents, whether they occur on duty or not. The presumption clause also provides coverage for cancer related claims for firefighters. After talking with the bill sponsors and other firefighter and law enforcement representatives, it became clear that this broad coverage may not be the best and most cost-effective solution to address this issue.

As an alternative, I am proposing an amendment. Under the amendment, full-time paid firefighters and law enforcement officers would be able to count full time paid service as a firefighter or law enforcement officer outside the state of North Dakota towards the five years necessary for presumption clause coverage. As you have heard over and over, North Dakota needs to recruit individuals from out of state to fill our open jobs. This is a positive step towards creating a friendly recruitment environment for full-time paid firefighters and law enforcement officers in our state.

Also under the amendment, a full-time paid firefighter and law enforcement officer would be covered for a heart attack, stroke, vascular rupture or other similar cardiac event when it occurs within 48 hours of strenuous physical law enforcement activity, fire suppression activity or other emergency response activity. The strenuous physical activity could also occur during a training exercise.

In order to qualify, the full-time firefighter or law enforcement officer will need to pass a medical screening that fails to reveal any evidence of a cardiac condition. Additionally, the full-time paid firefighter or law enforcement who uses tobacco does not qualify for the coverage unless he or she provides yearly documentation from a health care provider which indicates the full-time paid firefighter or law enforcement officer has not used tobacco for the preceding two years.

As with the original bill, under the amendment, the full-time paid firefighter and law enforcement employer would be responsible for the costs related to the physical exams required for the coverage.

The North Dakota League of Cities and the Chiefs of Police Association of North Dakota, urges you to adopt the amendment and give the bill a DO PASS recommendation. Lets make sure that full-time paid firefighters and law enforcement officers have the protection they deserve in North Dakota.