

**2025 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1060**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1060  
1/15/2025

A BILL for an Act to amend and reenact sections 65-01-5, 65-01-15.1, and 65-01-15.2 of the North Dakota Century Code, relating to presumption of compensability for correctional officers.

2:02 p.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Christy, Finley DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

### **Discussion Topics:**

- Presumption clause
- Certain health conditions
- Workplace injury
- Dangerous environments
- Health risks
- Correctional officers
- Potential problem
- Clarifying the statute

2:02 p.m. Travis Engelhardt, Chief Human Resources Officer, ND Corrections & Rehabilitation (DOC), introduced, testified in favor and submitted testimony #28980.

2:19 p.m. Donnell Preskey, Government/Public Relations Specialist, ND Association of Counties testified in favor.

2:30 p.m. Trent Wangen, Burleigh County Sheriff's Department testified in favor and submitted testimony #29048.

2:34 p.m. Russ Hanson, Executive Vice President, Associated General Contractors of North Dakota testified in opposition.

2:43 p.m. Andrea Pfennig, Vice President Government Affairs, (GNDA) Greater North Dakota Chamber testified in opposition.

2:45 p.m. Tim Wahlin, Chief of Injury Services, Workforce Safety and Insurance (WSI) testified as neutral and submitted testimony #29192.

2:57 p.m. Robyn Krile, Fraud Director, ND Department of Insurance testified in opposition and submitted testimony #29335.

3:01 p.m. Chairman Warrey closed the hearing.

House Industry, Business and Labor Committee  
HB 1060  
01/15/25  
Page 2

*Diane Lillis, Committee Clerk*

**HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE**  
**REPRESENTATIVE JONATHAN WARREY, CHAIR**  
**January 15, 2025**

---

**NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION**  
**PRESENTING TESTIMONY IN SUPPORT OF HOUSE BILL 1060**

Chairman Warrey and members of the House Industry, Business and Labor Committee, I am Travis Engelhardt, Chief Human Resources Officer of the North Dakota Department of Corrections and Rehabilitation (DOCR). Today, I submit this verbal and written testimony in support of House Bill 1060, which proposes to add state correctional officers to the presumption clause for potential compensability for certain health conditions.

The bill adds state or DOCR correctional officers to the presumption clause that is already in place for full-time firefighters and law enforcement officers. In summary, the presumption clause states that any condition or impairment caused by lung or respiratory disease, hypertension, heart disease, or an exposure to a bloodborne pathogen occurring in the course of employment is presumed to have been suffered in the line of duty. Very briefly, there are certain conditions that must still be met for this to apply, such as, the presumption may be rebutted by clear and convincing evidence the condition or impairment is not work-related, the firefighter or law enforcement officer and hopefully soon correctional officer is not eligible for the benefit until at least five years of continuous service has successfully been completed (with one exception for cardiac events) and a medical examination fails to reveal any evidence of such a condition. Further, if correctional officers are added, the DOCR will be required to provide at no expense to the employee, a medical examination at time of employment and periodic examinations as detailed within current statute (One to ten years of service requires one exam every five years, 11-20 years of service, an exam every three years, and 20 or more years of service requires an exam every year). The DOCR currently provides these exams for all of our licensed peace officers or law enforcement who are covered by the presumption clause, so we

are aware of what needs to be done. Also, we already provide preemployment medical exams to correctional officers.

Simply put, the DOCR believes this to be a matter of fairness and parity, as correctional officers also work in dangerous environments that put their health at risk, just like firefighters and law enforcement officers. Correctional officers experience depression (25% vs. 7%), PTSD (27% vs. 4%), and suicide (7% vs. 5%) at much higher rates than the national population. DOCR correctional officers work hard and sacrifice to keep our communities safe every day by working in our state's prisons. Chairman Warrey and members of the House Industry, Business and Labor Committee, we ask that you support House Bill 1060 which adds state or DOCR correctional officers to the presumptive clause for potential compensability for certain health conditions in dangerous public safety jobs. I will stand for questions.

Testimony Prepared for the  
**House Industry, Business and Labor Committee**

January 13<sup>th</sup>, 2025

By: Trent Wangen, Major

**RE: Supportive Testimony for House Bill 1060- The presumption of compensability for correctional officers**

My name is Trent Wangen and I currently serve as a Major with the Burleigh County Sheriff's Department. My primary duty is to serve as the Assistant Jail Administrator of the Burleigh Morton Detention Center, a 555 bed facility located in Bismarck.

I am testifying in support of HB1060, a bill to add the presumption of compensability for correctional officers.

I would support changing or amending the definition of correctional officer to include all trained full-time correctional officers. The current version of HB 1060 would not include correctional officers employed full time by counties or cities and would be limited to correctional officers employed by DOCR.

Correctional officers encounter many of the same strenuous activities and situations as full-time paid fire fighters and law enforcement officers. At the Burleigh County Sheriff's Department correctional officers and deputy sheriffs attend many training classes together due to the similarities of the job duties performed by both the correctional officers and deputy sheriffs. These classes include defensive tactics and intermediate weapons. Correctional officers at the Burleigh Morton Detention Center deal with situation requiring response to resistance, use of force, at a more frequent basis than the deputies at the Burleigh County Sheriff's Department. Correctional officers from the Burleigh Morton Detention Center also serve alongside deputy sheriffs and firefighters on specialized teams like the Burleigh County Water Rescue Team. While serving on the specialized teams all team members encounter the same strenuous activities and situations regardless of the job titles or job descriptions.

I feel correctional officers deserve the same protections and benefits as the other public safety officers receive.

Thank you for your time and consideration and please feel free to contact me with any questions you may have.

Sincerely,

Trent Wangen, Major  
Burleigh County Sheriff's Department

**2025 House Bill No. 1060**  
**Testimony before the House Industry, Business, and Labor Committee**  
**Presented by Tim Wahlin, Workforce Safety and Insurance**  
**January 15, 2025**

Mr. Chairman and Members of the Committee: My name is Tim Wahlin with Workforce Safety & Insurance (WSI). I am here today to provide testimony and a proposed amendment regarding House Bill No. 1060. WSI's Board's position is neutral on this bill.

2025 House Bill 1060 proposes to expand those eligible for North Dakota's presumption coverage. In the North Dakota workers' compensation system an injured employee bears the burden of proving entitlement to benefits with the exception of one category. Full-time paid law enforcement and fulltime paid firefighters suffering from lung or respiratory disease, hypertension, heart disease, or an exposure to a bloodborne pathogen are presumed to have suffered the condition as a result of their employment. Additionally full-time paid firefighters are entitled to the presumption of compensability for occupational cancers.

Presumption coverages for law enforcement and full-time paid firefighters are not unique to North Dakota as they exist in varying degrees in approximately 35-40 jurisdictions. We are aware of four jurisdictions that also extend some type of presumptive coverage to correctional officers.

Because entitlement to these benefits is routine and the costs of the benefits for the described conditions are long-term and relatively expensive, this category of compensable injuries is among the costliest WSI pays.

This bill enlarges the pool of employees within the presumption coverage to include approximately 450 correctional officers employed by the North Dakota Department of Corrections and Rehabilitation. Please note, the bill does not include correctional officers that fall under county jurisdiction.

**SECTION 1:**

This section adds the term "correctional officer" to NDCC 65-01-15. This statute denies presumption coverage to tobacco users. In order to regain eligibility, a correctional officer would need to provide documentation from a healthcare provider that they have been tobacco free for the preceding two years.

**SECTION 2:**

This section adds the term "correctional officer" to NDCC 65-01-15.1 including a definition of the term "correctional officer" to include an individual who completed the department of corrections and rehabilitation's basic correctional officer course and is employed full-time to provide supervision and security at a correctional facility by the department of corrections and rehabilitation.

Within this section specifically at page 2, beginning at line 10, is the language which conditions entitlement to the presumption benefits to those correction officers who have "successfully passed a medical examination which fails to reveal any evidence of such a condition." This predicates

passing a medical exam which does not reveal any of the compensable conditions covered by this act. This examination must be provided at no expense to the employee, so this is an additional employer cost that passage of the bill will require.

### **SECTION 3:**

This section adds the term “correctional officer” to NDCC 65-01-15.2. This statute provides a different type of presumptive coverage to full-time paid law enforcement officers and full-time paid firefighters with less than five years of continuous service. This presumptive coverage includes heart attack, stroke, vascular rupture, or other similar cardiac events occurring within forty-eight hours of fire suppression activity, or emergency response activity, or a training exercise involving strenuous physical activity.

This also includes a similar definition of “correctional officer.”

### **Fiscal Note:**

The proposed legislation will act to increase costs for rate class 7720, which is used in establishing premiums for coverage provided to law enforcement and correctional officers. Currently, for those classified under rate class 7720, about half meet the statutory definition for presumptive coverage and half do not. Adding the correctional officers employed by North Dakota Department of Corrections increases the ratio of presumption employees versus non-presumption employees in this rate class.

Assuming the exposure to presumptive claims for correctional officers employed by ND Department of Corrections is similar to that of the current presumptive law enforcement officer, we would estimate rates for the 7720 class to increase between 3.5% and 5.0% resulting in higher workers compensation premiums for the cities, counties, and other entities that fall within this class.

### **Proposed Amendments:**

This bill as drafted does not contain an application. We would offer an amendment for your consideration which clarifies this act would apply to correctional officers with injuries or conditions initially occurring after the effective date. If the bill were to pass, this would help clarify that the bill looks only prospectively towards those emerging conditions after the bill has become effective.

This concludes my testimony. I am happy to answer any questions you may have.



Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENT TO  
HOUSE BILL NO. 1060**

Introduced by

Industry, Business and Labor Committee

(At the request of the Department of Corrections and Rehabilitation)

1 A BILL for an Act to amend and reenact sections 65-01-15, 65-01-15.1, and 65-01-15.2 of the  
2 North Dakota Century Code, relating to the presumption of compensability for correctional  
3 officers; and to provide for application.

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

5 **SECTION 1. AMENDMENT.** Section 65-01-15 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **65-01-15. Yearly documentation required for firefighter, correctional officer, and law**  
8 **enforcement officer.**

9 Except for benefits for an exposure to a bloodborne pathogen as defined by section  
10 23-07.5-01 occurring in the course of employment, a full-time paid firefighter, correctional officer,  
11 or law enforcement officer who uses tobacco is not eligible for the benefits provided under  
12 sections 65-01-15.1 and 65-01-15.2, unless the full-time paid firefighter, correctional officer, or  
13 law enforcement officer provides yearly documentation from a health care provider which  
14 indicates the full-time paid firefighter, correctional officer, or law enforcement officer has not  
15 used tobacco for the preceding two years.

16 **SECTION 2. AMENDMENT.** Section 65-01-15.1 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18 **65-01-15.1. Presumption of compensability for certain conditions of full-time paid**  
19 **firefighters, correctional officers, and law enforcement officers.**

20 1. Any condition or impairment of health of a full-time paid firefighter, correctional officer,  
21 or law enforcement officer caused by lung or respiratory disease, hypertension, heart  
22 disease, or an exposure to a bloodborne pathogen as defined by section 23-07.5-01  
23 occurring in the course of employment, or occupational cancer in a full-time paid  
24 firefighter, is presumed to have been suffered in the line of duty. The presumption may

be rebutted by clear and convincing evidence the condition or impairment is not work-related.

2. As used in this section, an occupational cancer is one which arises out of employment as a full-time paid firefighter and is due to injury due to exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty as a full-time paid firefighter.

3. A full-time paid firefighter, correctional officer, or law enforcement officer is not eligible for the benefit provided under this section unless that full-time paid firefighter, correctional officer, or law enforcement officer has completed five years of continuous service and has successfully passed a medical examination which fails to reveal any evidence of such a condition. The five years of continuous service requirement may include full-time paid service outside the state. An employer shall provide at no expense a medical examination upon employment, for any employee subject to this section.

a. After the initial medical examination, an employer shall provide at no expense at least a periodic medical examination as follows: for one to ten years of service, every five years; for eleven to twenty years of service, every three years; and for twenty-one or more years of service, every year. The periodic medical examination, at a minimum, must consist of a general medical history of the individual and the individual's family; an occupational history including contact with and an exposure to hazardous materials, toxic products, contagious and infectious diseases, and to physical hazards; a physical examination including measurement of height, weight, and blood pressure; and laboratory and diagnostic procedures indicating cardiovascular health to a reasonable degree of medical certainty.

b. If the medical examination reveals that an employee falls into a recognized risk group, the employee must be referred to a qualified health professional for future medical examination.

c. If a medical examination produces a false positive result for a condition covered under this section, the organization shall consider the condition to be a compensable injury. In the case of a false positive result, neither the coverage of

the condition nor the period of disability may exceed fifty-six days. This section does not affect an employee's responsibility to document that the employee has not used tobacco as required under section 65-01-15. Results of the examination must be used in rebuttal to a presumption afforded under this section.

4. For purposes of this section, ~~"law enforcement officer":~~

a. "Correctional officer" means an individual who completed the department of corrections and rehabilitation's basic correctional officer course and is employed full-time to provide supervision and security at a correctional facility by the department of corrections and rehabilitation; and

b. "Law enforcement officer" means an individual who is licensed to perform peace officer law enforcement duties under chapter 12-63 and is employed full time by the bureau of criminal investigation, the game and fish department, the state highway patrol, the parole and probation division, the North Dakota state university police department, the North Dakota state college of science police department, the university of North Dakota police department, the Bismarck state college police department, a county sheriff's department, a city police department, or the parks and recreation department pursuant to section 55-08-04.

5. The presumption does not include a condition or impairment of health of a full-time paid firefighter, correctional officer, or law enforcement officer, who has been employed for ten years or less, if the condition or impairment is diagnosed more than two years after the employment as a full-time paid firefighter, correctional officer, or law enforcement officer ends. The presumption also does not include a condition or impairment of health of a full-time paid firefighter, correctional officer, or law enforcement officer, who has been employed more than ten years, if the condition or impairment is diagnosed more than five years after the employment as a full-time paid firefighter, correctional officer, or law enforcement officer ends.

**SECTION 3. AMENDMENT.** Section 65-01-15.2 of the North Dakota Century Code is amended and reenacted as follows:

**65-01-15.2. Presumption of compensability for cardiac events of full-time paid  
firefighters, correctional officers, and law enforcement officers.**

1. A heart attack, stroke, vascular rupture, or other similar cardiac event, is presumed to be a compensable injury when a full-time paid firefighter, correctional officer, or law enforcement officer:
  - a. Engages in a situation involving strenuous physical law enforcement or correctional officer activity, fire suppression activity, or emergency response activity, or participates in a training exercise involving strenuous physical activity; and
  - b. The heart attack, stroke, vascular rupture, or other similar cardiac event occurs no later than forty-eight hours after the full-time paid firefighter, correctional officer, or law enforcement officer engaged or participated in the activity listed under subdivision a.
2. The presumption under subsection 1 may be rebutted by clear and convincing evidence the condition or impairment was not work related.
3. This section applies to any full-time paid firefighter, correctional officer, or law enforcement officer who has less than five years of continuous service.
4. A full-time paid firefighter, correctional officer, or law enforcement officer is not eligible for the benefit provided under this section unless the full-time paid firefighter, correctional officer, or law enforcement officer has successfully passed a medical examination that failed to reveal any evidence of a cardiovascular condition.
5. For purposes of this section, "~~law enforcement officer~~":
  - a. "Correctional officer" means an individual who is employed as a correctional officer by the department of corrections and rehabilitation; and
  - b. "Law enforcement officer" means an individual who is licensed to perform peace officer law enforcement duties under chapter 12-63 and is employed full time by the bureau of criminal investigation, the game and fish department, the state highway patrol, the parole and probation division, the North Dakota state university police department, the North Dakota state college of science police department, the university of North Dakota police department, the Bismarck state college police department, a county sheriff's department, a city police

1 department, or the parks and recreation department pursuant to section  
2 55-08-04.

3 **SECTION 4. APPLICATION.** This Act applies to correctional officers with injuries or  
4 conditions initially occurring on or after the effective date of this Act and to expenses related  
5 to those injuries and conditions.

69<sup>th</sup> Legislative Assembly  
Neutral Testimony of  
House Bill 1060  
Industry, Business and Labor Committee

Good afternoon Chairman Warrey and members of the Industry, Business, and Labor Committee,

My name is Robyn Krile, and I have 19 years of law enforcement experience in North Dakota. I currently serve as the Fraud Division Director for the North Dakota Insurance Department. Today, I am here on behalf of my agency to provide neutral testimony regarding House Bill 1060 and to respectfully request an amendment to include the investigators of the Fraud Division within the definition of a "law enforcement officer."

It is important to emphasize that the current definition of a "law enforcement officer," as outlined in this bill on page 3, section 4, subsection b, and on page 4, section 5, subsection b, was written before the establishment of the Insurance Fraud Division. Consequently, the officers serving in our Fraud division are not currently included in the definition.

The North Dakota Insurance Department employs three licensed law enforcement officers who serve as investigators in the Fraud Division. These professionals are fully certified as North Dakota peace officers, tasked with investigating criminal activity, enforcing provisions of the North Dakota Century Code, and conducting complex criminal investigations. Their responsibilities are parallel to those of other law enforcement agencies already recognized in the definition, and they uphold the same rigorous standards required of all North Dakota Peace Officers.

This concludes my testimony. I am happy to answer any questions you may have. Thank you for your time and consideration.

Respectfully submitted,

Robyn Krile  
North Dakota Department of Insurance  
Fraud Director

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1060  
1/21/2025

A BILL for an Act to amend and reenact sections 65-01-5, 65-01-15.1, and 65-01-15.2 of the North Dakota Century Code, relating to presumption of compensability for correctional officers.

3:15 p.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Christy, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

### Discussion Topics:

- Officers not covered
- Preexisting

3:15 p.m. Representative Ruby moved a Do Not Pass.

3:15 p.m. Representative Kasper seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Josh Christy	AB
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	Y
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion 13-0-1.

3:19 p.m. Representative J. Johnson will carry the bill.

3:19 p.m. Chairman Warrey closed the meeting.

*Diane Lillis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**HB 1060 ([25.8055.01000](#))**

**Industry, Business and Labor Committee (Rep. Warrey, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1060 was placed on the Eleventh order on the calendar.