

Sixtieth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2292

Introduced by

Senators Nething, Dever, Robinson

Representatives Amerman, DeKrey, Delmore

1 A BILL for an Act to amend and reenact section 65-02-27 and subsection 4 of section 65-05-32
2 of the North Dakota Century Code, relating to changing the administration of the workforce
3 safety and insurance's office of independent review to the department of labor; and to provide
4 for transition.

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

6 **SECTION 1. AMENDMENT.** Section 65-02-27 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **65-02-27. Office of independent review.**

9 1. The ~~organization's~~ department of labor's office of independent review is
10 established. The office of independent review ~~is independent of the claims~~
11 ~~department of the organization and activities administered through the office must~~
12 ~~be administered in accordance with this title~~ must be collocated with the office of
13 the labor commissioner. The organization shall fund the office of independent
14 review in accordance with legislative appropriation. The office of independent
15 review ~~must~~ shall provide assistance to ~~a worker~~ an employee who has filed a
16 claim; which may include acting on behalf of ~~a worker~~ an employee who is
17 aggrieved by a decision of the organization, communicating with organization staff
18 regarding claim dispute resolution, and informing ~~a worker~~ an employee of the
19 effect of decisions made by the organization, the ~~worker~~ employee, or an employer
20 under this title. ~~The~~ At the request of an employee, the office of independent
21 review shall provide assistance to ~~workers, upon request,~~ the employee in cases of
22 constructive denial or after a vocational consultant's report has been issued.

23 2. The ~~organization~~ labor commissioner shall employ a director of the office of
24 independent review and other personnel determined to be necessary for the

administration of the office. ~~A person~~ An individual employed to administer the office of independent review may not act as an attorney for ~~a worker~~ an employee.

3. The organization may not pay attorney's fees to an attorney who represents a ~~worker~~ an employee in a disputed claim before the organization unless the ~~worker~~ employee has first attempted to resolve the dispute through the office of independent review. A written request for assistance by ~~a worker~~ an employee who contacts the office of independent review within the period for requesting a hearing on an administrative order tolls the time period for requesting a hearing on that order. The period begins upon notice to the ~~worker~~ employee, sent by regular mail, that the office of independent review's assistance to the ~~worker~~ employee is completed.

4. The information contained in a file established by the office of independent review on ~~a worker's~~ an employee's disputed claim, including communications from a ~~worker~~ an employee, is privileged and may not be released without the ~~worker's~~ employee's permission. Information in the file containing the notes or mental impressions of office of independent review staff is confidential and may not be released by the office of independent review.

SECTION 2. AMENDMENT. Subsection 4 of section 65-05-32 of the North Dakota Century Code is amended and reenacted as follows:

4. Other persons, including the labor commissioner and employees of the office of independent review, may have access to and make inspections of the files, if such persons are rendering assistance to the organization at any stage of the proceedings on any matter pertaining to the administration of this title.

SECTION 3. TRANSITION. All employees of and all records, materials, supplies, and equipment used by the workforce safety and insurance's office of independent review are transferred to and become the employees of and become the property of the department of labor's office of independent review.