

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1064

Introduced by

Representative Keiser

Senator Klein

A BILL ~~for an Act to amend and reenact subsection 1 of section 54-57-03, subsection 8 of section 65-01-16, section 65-02-22, and subsection 5 of section 65-04-32 of the North Dakota Century Code, relating to hearing officer services provided by the office of administrative hearings; to repeal section 65-02-22.1 of the North Dakota Century Code, relating to the appointment of administrative law judges; and to provide for application~~ for an Act to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to office of administrative hearings case processing, tracking, and reporting.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

~~**SECTION 1. AMENDMENT.** Subsection 1 of section 54-57-03 of the North Dakota Century Code is amended and reenacted as follows:~~

~~1. Notwithstanding the authority granted in chapter 28-32 allowing agency heads or other persons to preside in an administrative proceeding, all adjudicative proceedings of administrative agencies under chapter 28-32, except those of the public service commission, the industrial commission, the insurance commissioner, workforce safety and insurance, the state engineer, the department of transportation, job service North Dakota, and the labor commissioner, must be conducted by the office of administrative hearings in accordance with the adjudicative proceedings provisions of chapter 28-32 and any rules adopted pursuant to chapter 28-32. But, appeals hearings pursuant to section 61-03-22 and drainage appeals from water resource boards to the state engineer pursuant to chapter 61-32 must be conducted by the office of administrative hearings. Additionally, hearings of the department of corrections and rehabilitation for the parole board in accordance with chapter 12-59, regarding parole violations; job discipline and dismissal appeals to the board of higher education; Individuals With Disabilities Education Act and section 504 due process hearings of the superintendent~~

of public instruction; and chapter 37-19.1 veterans' preferences hearings for any agency must be conducted by the office of administrative hearings in accordance with applicable laws.

~~SECTION 2. AMENDMENT.~~ Subsection 8 of section 65-01-16 of the North Dakota Century Code is amended and reenacted as follows:

~~8. Rehearings must be conducted as hearings under chapter 28-32 to the extent the provisions of that chapter do not conflict with this section. The organization may arrange for the designation of hearing officers to conduct rehearings and issue final findings of fact, conclusions of law, and orders.~~

~~SECTION 3. AMENDMENT.~~ Section 65-02-22 of the North Dakota Century Code is amended and reenacted as follows:

~~65-02-22. Hearing officer - Qualifications - Location.~~

~~A hearing officer designated by the office of administrative hearings organization under chapter 28-32 must be an individual licensed to practice law in this state. A hearing officer may not maintain an office within the organization.~~

~~SECTION 4. AMENDMENT.~~ Subsection 5 of section 65-04-32 of the North Dakota Century Code is amended and reenacted as follows:

~~5. Rehearings must be conducted as hearings under chapter 28-32 to the extent that chapter does not conflict with this section. The organization may arrange for the designation of hearing officers to conduct rehearings and issue final findings of fact, conclusions of law, and orders.~~

~~SECTION 5. REPEAL.~~ Section 65-02-22.1 of the North Dakota Century Code is repealed.

~~SECTION 6. APPLICATION.~~ Sections 1, 2, 3, and 4 of this Act apply to all claims regardless of date of injury.

SECTION 1. A new section to chapter 54-57 of the North Dakota Century Code is created and enacted as follows:

Case processing tracking and reporting.

1. The office of administrative hearings shall track the time elapsed between the date the office receives a file from workforce safety and insurance and the date of the administrative law judge's decision, and monthly calculate a rolling six-month average of time elapsed.

1 2. The office of administrative hearings shall adopt case processing standards and
2 policies, including provisions intended to meet a goal of an average of two hundred
3 fifteen days or less per case. Administrative law judges have two hundred fifteen days
4 to issue a decision for any injured worker case from the date the office of
5 administrative hearings receives a file from workforce safety and insurance. The date
6 of the last assigned file is the date of assignment for all consolidated files.

7 3. The office of administrative hearings and workforce safety and insurance shall report
8 statistical information regarding results under the case processing standards and
9 policies to the legislative management and the state advisory council each quarter.
10 The reports must include the information required under subsection 1.