

Sixtieth  
Legislative Assembly  
of North Dakota

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

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

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

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

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

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

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

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