

PROPOSED AMENDMENTS TO SENATE BILL NO. 2018

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1129 and 1130 of the House Journal and that Senate Bill No. 2018 be amended as follows:

Page 1, line 2, after "hearings" insert "; to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to hearings by the office of administrative hearings; and to amend and reenact subsections 1 and 2 of section 54-57-07 of the North Dakota Century Code, relating to payment for administrative hearings"

Page 1, line 5, remove "in the general fund in"

Page 1, line 6, remove "the state treasury, not otherwise appropriated, and"

Page 1, line 10, replace "708,993" with "707,251"

Page 1, line 12, replace "all" with "special", after "funds" insert "appropriation", and replace "1,351,903" with "1,350,161"

Page 1, replace lines 13 and 14 with:

"SECTION 2. OFFICE OF ADMINISTRATIVE HEARINGS - LOAN FROM STATE GENERAL FUND - APPROPRIATION OF LOAN REPAYMENT.

Notwithstanding any other provision of law, the office of administrative hearings is authorized to borrow up to \$100,000, which amounts are hereby appropriated from the state general fund during the biennium beginning July 1, 1997, and ending June 30, 1999. The office of administrative hearings shall inform the office of management and budget of any loan required pursuant to this section. Any loan made to the office of administrative hearings under this section must be repaid to the state general fund by June 30, 1999, and any loan repayments made by the office of administrative hearings are hereby appropriated for the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 3. A new section to chapter 54-57 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Hearings after judgment. The office of administrative hearings may not hold hearings on the same issue involving the same parties as the original hearing after a judgment has been rendered by a court concerning that issue unless authorized to or directed to by that court.

SECTION 4. AMENDMENT. Subsections 1 and 2 of section 54-57-07 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The office of administrative hearings ~~may~~ **shall** require payment for services rendered by any administrative law judge provided by it to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment ~~may~~ **must** include payment for support staff necessary to render administrative law judge services. ~~General fund moneys may not be used for payment by state~~

~~agencies pursuant to this subsection except for those payments required of the department of human services and the state department of health.~~
Moneys received by the office of administrative hearings in payment for providing an administrative law judge to conduct an administrative hearing and related proceedings must be deposited into the operating fund of the office of administrative hearings.

2. The office of administrative hearings ~~may~~ shall require payment for mileage, meals, and lodging in connection with services rendered by an administrative law judge provided to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment for meals and lodging must be in the amounts allowable under section 44-08-04. Payment for mileage when using state vehicles must be in amounts set for user charges under section 24-02-03.5. All other payments must be in amounts allowed for other state officials and employees. Either general fund or special fund moneys, or other income, may be used for the payment of mileage, meals, and lodging under this subsection."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

CONFERENCE COMMITTEE - This amendment removes the \$248,196 general fund appropriation, provides the office's appropriation entirely from special funds from billing agencies for services, and reduces operating expenses by \$1,742 of special funds to remove risk management premiums.

The amendment also adds a section allowing for a loan of up to \$100,000 from the state general fund to the Office of Administrative Hearings. Any loan made under this section must be repaid by the end of the 1997-99 biennium.