

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2018
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the office of administrative hearings; 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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys from special funds derived from billing agencies for services, to the office of administrative hearings for the purpose of defraying its expenses, for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Salaries and wages	\$ 622,310
Operating expenses	707,251
Equipment	20,600
Total special funds appropriation	<u>\$1,350,161</u>

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.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2018.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 92 Nays 2 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,
at _____ o'clock _____ M.

Secretary of State