

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1118

Introduced by

Government and Veterans Affairs Committee

(At the request of the Office of Administrative Hearings)

1 A BILL for an Act to amend and reenact subsection 3 of section 37-19.1-04 of the North Dakota
2 Century Code, relating to requests for administrative hearings from the commissioner of
3 veterans' affairs.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 37-19.1-04 of the 1995
6 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7 3. Within fifteen days after receiving a request from an applicant or person under
8 subsection 1 or 2, the commissioner of veterans' affairs ~~shall~~ may request the
9 director of the office of administrative hearings to designate a hearing officer to
10 hear the grievance arising under subsection 1 or 2. The commissioner shall notify
11 the employer or employing agency that a request for a hearing has been made.
12 The office of administrative hearings is entitled to be reimbursed by the employer
13 or employing agency for all hearing officer services rendered and expenses
14 incurred in performing these duties. The hearing officer shall hold the hearing
15 within thirty days after the hearing officer request is received by the director of the
16 office of administrative hearings. Notwithstanding the time limitation, the hearing
17 officer may postpone or continue the hearing for good cause, at the request of a
18 party. At the hearing, both parties may be represented by counsel. If the hearing
19 is requested pursuant to subsection 1, the employing agency has the burden of
20 proving that the veteran or the qualified veteran's spouse did not possess the
21 qualifications required for the position. If the hearing is requested pursuant to
22 subsection 2, the employing agency has the burden of proving that any action
23 which was taken was not taken because of exercise of the right to an employment
24 preference. The hearing officer shall issue findings of fact, conclusions of law, and

- 1 an order within fifteen days after the hearing is concluded, briefs filed, and
- 2 arguments closed. The order is binding on both parties, subject to appeal.