

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1455

Page 1, line 2, after "28-32-17" insert ", 28-32-19, subsection 1 of section 28-34-01," and after "and" insert "section"

Page 1, line 3, after "agencies" insert "and appeals from decisions of local governing bodies"

Page 4, after line 6, insert:

"SECTION 3. AMENDMENT. Section 28-32-19 of the North Dakota Century Code is amended and reenacted as follows:

28-32-19. Scope of and procedure on appeal from determination of administrative agency. A notice of appeal may include a request for de novo review by the district court. If there is no request for de novo review, a judge of the district court must review an appeal from the determination of an administrative agency based only on the record filed with the court. After a hearing, the filing of briefs, or other disposition of the matter as the judge may reasonably require, the court must affirm the order of the agency unless it shall find that any of the following are present:

1. The order is not in accordance with the law.
2. The order is in violation of the constitutional rights of the appellant.
3. Provisions of this chapter have not been complied with in the proceedings before the agency.
4. The rules or procedure of the agency have not afforded the appellant a fair hearing.
5. The findings of fact made by the agency are not supported by a preponderance of the evidence.
6. The conclusions of law and order of the agency are not supported by its findings of fact.

If the order of the agency is not affirmed by the court, it shall be modified or reversed, and the case shall be remanded to the agency for disposition in accordance with the order of the court.

SECTION 4. AMENDMENT. Subsection 1 of section 28-34-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The notice of appeal must be filed with the clerk of the court within thirty days after the decision of the local governing body. The notice of appeal may include a request for de novo review by the court. A copy of the notice of appeal must be served on the local governing body in the manner provided by rule 4 of the North Dakota Rules of Civil Procedure."

Renumber accordingly