

Fifty-ninth
Legislative Assembly
of North Dakota

Introduced by

(At the request of the Office of Administrative Hearings)

1 A BILL for an Act to amend and reenact subsection 3 of section 54-57-01 of the North Dakota
2 Century Code, relating to employment of administrative law judges.

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

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6 **SECTION 1. AMENDMENT.** Subsection 3 of section 54-57-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 3. The director of administrative hearings may preside as an administrative law judge
9 at administrative hearings and may employ or appoint additional administrative law
10 judges to serve in the office as necessary to fulfill the duties of office as described
11 in section 54-57-04 and section 28-32-31 and to provide administrative law judges
12 to preside at administrative hearings as requested by agencies. The director of
13 administrative hearings may employ or appoint only such additional administrative
14 law judges who are attorneys at law in good standing, admitted to the bar in the
15 state, and currently licensed by the state board of law examiners. Administrative
16 law judges employed by the director prior to August 1, 1995, need not be attorneys
17 at law and may be designated by the director to preside at any administrative
18 proceedings or adjudicative proceedings under section 54-57-03. The director may
19 delegate to an employee the exercise of a specific statutory power or duty as
20 deemed advisable, subject to the director's control, including the powers and duties
21 of a deputy director. All administrative law judges must be classified employees,
22 except that the director of administrative hearings must be an unclassified
23 employee who only may be removed, during a term of office, for cause. Each
24 administrative law judge must have a demonstrated knowledge of administrative

- 1 practices and procedures and must be free of any association that would impair the
- 2 person's ability to function officially in a fair and objective manner.