

Fifty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2070

Introduced by

Judiciary Committee

(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 who are not attorneys.

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

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

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