

Sixty-second
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1087

Introduced by

Judiciary Committee

(At the request of the Office of Administrative Hearings)

1 A BILL for an Act to amend and reenact subsections 1 and 2 of section 28-32-40 of the North
2 Dakota Century Code, relating to the time for filing a petition for reconsideration from a final
3 order of an administrative agency.

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

5 **SECTION 1. AMENDMENT.** Subsections 1 and 2 of section 28-32-40 of the North Dakota
6 Century Code are amended and reenacted as follows:

- 7 1. Any party before an administrative agency who is aggrieved by the final order of the
8 agency, including the administrative agency when the hearing officer is not the agency
9 head or one or more members of the agency head, ~~may~~ within fifteen days after
10 notice has been given as required by section 28-32-39, may file a petition for
11 reconsideration with the agency. Filing of the petition is not a prerequisite for seeking
12 judicial review. If the agency's hearing officer issues the agency's final order, the
13 petition for reconsideration must be addressed to the hearing officer, who may grant or
14 deny the petition under subsection 4.
- 15 2. Any party appearing, including workforce safety and insurance, that appears before
16 workforce safety and insurance may havefile a petition for reconsideration within thirty
17 days within which to file a petition for reconsiderationafter notice has been given as
18 required by section 28-32-39.