

**HOUSE BILL NO. 1087**  
**with Senate Amendments**  
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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, within fifteen days after notice has  
10 been given as required by section 28-32-39, may file a petition for reconsideration with  
11 the agency. Filing of the petition is not a prerequisite for seeking judicial review. If the  
12 agency's hearing officer issues the agency's final order, the petition for reconsideration  
13 must be addressed to the hearing officer, who may grant or deny the petition under  
14 subsection 4.
- 15 2. Any party ~~appearing, including workforce safety and insurance, that appears~~ before  
16 workforce safety and insurance may ~~have~~ file a petition for reconsideration within thirty  
17 days within which to file a petition for reconsideration after notice has been given as  
18 required by section 28-32-39.