

Sixty-sixth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1064

Introduced by

Representative Keiser

Senator Klein

1 A BILL for an Act to amend and reenact subsection 1 of section 54-57-03, subsection 8 of
2 section 65-01-16, section 65-02-22, and subsection 5 of section 65-04-32 of the North Dakota
3 Century Code, relating to hearing officer services provided by the office of administrative
4 hearings; to repeal section 65-02-22.1 of the North Dakota Century Code, relating to the
5 appointment of administrative law judges; and to provide for application.

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

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-57-03 of the North Dakota Century
8 Code is amended and reenacted as follows:

9 1. Notwithstanding the authority granted in chapter 28-32 allowing agency heads or other
10 persons to preside in an administrative proceeding, all adjudicative proceedings of
11 administrative agencies under chapter 28-32, except those of the public service
12 commission, the industrial commission, the insurance commissioner, workforce safety
13 and insurance, the state engineer, the department of transportation, job service North
14 Dakota, and the labor commissioner, must be conducted by the office of administrative
15 hearings in accordance with the adjudicative proceedings provisions of chapter 28-32
16 and any rules adopted pursuant to chapter 28-32. But, appeals hearings pursuant to
17 section 61-03-22 and drainage appeals from water resource boards to the state
18 engineer pursuant to chapter 61-32 must be conducted by the office of administrative
19 hearings. Additionally, hearings of the department of corrections and rehabilitation for
20 the parole board in accordance with chapter 12-59, regarding parole violations; job
21 discipline and dismissal appeals to the board of higher education; Individuals With
22 Disabilities Education Act and section 504 due process hearings of the superintendent
23 of public instruction; and chapter 37-19.1 veterans' preferences hearings for any

1 agency must be conducted by the office of administrative hearings in accordance with
2 applicable laws.

3 **SECTION 2. AMENDMENT.** Subsection 8 of section 65-01-16 of the North Dakota Century
4 Code is amended and reenacted as follows:

5 8. Rehearings must be conducted as hearings under chapter 28-32 to the extent the
6 provisions of that chapter do not conflict with this section. The organization may
7 arrange for the designation of hearing officers to conduct rehearings and issue final
8 findings of fact, conclusions of law, and orders.

9 **SECTION 3. AMENDMENT.** Section 65-02-22 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **65-02-22. Hearing officer - Qualifications - Location.**

12 A hearing officer designated by the ~~office of administrative hearings~~organization under
13 chapter 28-32 must be an individual licensed to practice law in this state. A hearing officer may
14 not maintain an office within the organization.

15 **SECTION 4. AMENDMENT.** Subsection 5 of section 65-04-32 of the North Dakota Century
16 Code is amended and reenacted as follows:

17 5. Rehearings must be conducted as hearings under chapter 28-32 to the extent that
18 chapter does not conflict with this section. The organization may arrange for the
19 designation of hearing officers to conduct rehearings and issue final findings of fact,
20 conclusions of law, and orders.

21 **SECTION 5. REPEAL.** Section 65-02-22.1 of the North Dakota Century Code is repealed.

22 **SECTION 6. APPLICATION.** Sections 1, 2, 3, and 4 of this Act apply to all claims
23 regardless of date of injury.