

MINING AND GAS AND OIL PRODUCTION

CHAPTER 263

H. B. No. 847
(Burk)

INDUSTRIAL COMMISSION RULES AND APPEALS

AN ACT

To amend and reenact subsections 1 and 2 of section 38-08-14 of the North Dakota Century Code, relating to appeals to the district court from the orders of the industrial commission and subsection 6 of section 38-08-11, relating to rules covering practice before the industrial commission in regard to oil and gas conservation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subsection 1 of section 38-08-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Any person adversely affected by an order entered by the commission may appeal from such order to the district court of Burleigh County. Notice of appeal must be filed by such person with the commission within thirty days after the entry of the order complained of by the appellant, or within thirty days, following the order overruling a motion for rehearing or sustaining the original order in the event a motion for rehearing has been filed. A copy of the notice of appeal shall be filed with the district court of Burleigh County at the same time the notice of appeal is filed with the commission. The notice of appeal must identify the order and the grounds of appeal, and reasonably specify that portion of the record which the appellant desires included in the transcript upon appeal. Immediately upon the filing of the notice of appeal the commission shall certify to the appellant the estimated cost of preparing the transcript of appeal of the proceedings upon which the order complained of was entered. The amount of the estimated cost must be deposited with the commission within ten days after the mailing of the certification of the costs to the appellant. Upon the deposit of the costs the commission shall prepare and certify under its seal the transcript. The transcript shall be delivered to the district court of Burleigh County within sixty days after the filing of the notice of appeal. A copy of the transcript shall

be delivered to the appellant, or his designated attorney, upon deposit of the cost of preparing same with the commission. Fees charged and collected for the transcript of evidence may be paid to the person preparing such transcript.

§ 2. Amendment.) Subsection 2 of section 38-08-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. An appeal shall be perfected by filing the notice of appeal with the commission within the specified thirty day period. The appeal may be dismissed by the district court for failure of the appellant to make the required cost deposit unless for good cause shown the time is extended by order of the district court. If the district court deems the transcript insufficient, the court may return the transcript to the commission for proper additions, and thereafter assess such further costs against the appellant as the court in its discretion deems sufficient.

§ 3. Amendment.) Subsection 6 of section 38-08-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6. The commission may act upon its own motion, or upon the petition of any interested person. On the filing of a petition concerning any matter within the jurisdiction of the commission, the commission shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition. The commission shall enter its order within thirty days after the hearing. A copy of the order of the commission shall be forwarded by mail to those persons filing written appearances at the hearing.

Approved March 9, 1963.