

HOUSE BILL NO. 1154

Introduced by

Representatives D. Ruby, Bellew, Cory, Kasper, Kempenich, Koppelman, Strinden, Tveit

Senators Clemens, Davison, Myrdal, Wobbema

1 A BILL for an Act to amend and reenact section 28-32-22 and subsection 3 of section 54-57-03
2 of the North Dakota Century Code, relating to the informal disposition of an administrative
3 proceeding and hearings before an administrative law judge.

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

5 **SECTION 1. AMENDMENT.** Section 28-32-22 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **28-32-22. Informal disposition.**

8 Unless otherwise prohibited by specific statute or rule, informal disposition may be made of
9 any adjudicative proceeding, or any part or issue thereof, by written stipulation, settlement,
10 waiver of hearing, ~~consent order~~, default, or alternative dispute resolution, ~~or other informal~~
11 ~~disposition~~, subject to agency approval. Any administrative agency may adopt rules of practice
12 or procedure for informal disposition if such rules do not substantially prejudice the rights of any
13 party. ~~Such An administrative agency rule that allows the granting of summary judgment must~~
14 ~~require all parties agree in writing there are no genuine issue of material fact.~~ The rules may
15 establish procedures for converting an administrative matter from one type of proceeding to
16 another type of proceeding. If there is a written response opposing a motion for summary
17 judgment, summary judgment is not available to the parties in an adjudicative proceeding.

18 **SECTION 2. AMENDMENT.** Subsection 3 of section 54-57-03 of the North Dakota Century
19 Code is amended and reenacted as follows:

- 20 3. ~~Informal~~ Subject to section 28-32-22, informal disposition of an administrative
21 proceeding or adjudicative proceeding may be made by an agency at any time before
22 or after the designation of an administrative law judge from the office of administrative
23 hearings.