

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1087
(Judiciary Committee)
(At the request of the Office of Administrative Hearings)

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1087.

House Vote: Yeas 85 Nays 8 Absent 1

Senate Vote: Yeas 43 Nays 0 Absent 4

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State