

HOUSE BILL NO. 1087
with Senate Amendments
HOUSE BILL NO. 1087

Sixty-second
Legislative Assembly
of North Dakota

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 havefile a petition for reconsideration within thirty
17 days within which to file a petition for reconsiderationafter notice has been given as
18 required by section 28-32-39.