

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2296

Introduced by

Senators Paulson, Larsen, Weston

Representatives Christensen, Satrom, Vetter

1 A BILL for an Act to ~~create and enact a new section to chapter 28-32 of the North Dakota~~
2 ~~Century Code, relating to limiting judicial deference to governmental entities; and to~~ provide for
3 a legislative management study relating to adjudicative proceeding procedures.

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

5 ~~SECTION 1. A new section to chapter 28-32 of the North Dakota Century Code is created~~
6 ~~and enacted as follows:~~

7 ~~Judicial deference.~~

8 ~~Notwithstanding any other provision of law, in interpreting or applying a statute, regulation,~~
9 ~~or rule, a judge may not defer to a governmental entity's interpretation of the statute, regulation,~~
10 ~~or rule. After applying all customary rules of interpretation, the court shall resolve any remaining~~
11 ~~ambiguity against increased agency authority.~~

12 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ~~AUTHORITY OF HEARING-~~**

13 **~~OFFICERS~~ADJUDICATIVE PROCEEDING PROCEDURES.** During the 2023-24 interim, the

14 legislative management shall ~~consider studying~~study the ~~impact of granting statutory-~~

15 ~~authority~~adjudicative proceeding procedures under chapter 28-32 ~~to,~~ including the statutory

16 authority of a hearing officer, ~~who may not be the agency head, to make~~ and the procedures

17 related to the findings of fact ~~and,~~ conclusions of law, and ~~issue~~issuance of orders. The study

18 must include a review of chapter 28-32 and input from ~~governmental entities~~administrative

19 agencies and other interested parties. The legislative management shall report its findings and

20 recommendations, together with any legislation necessary to implement the recommendations,

21 to the sixty-ninth legislative assembly.