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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2296

Introduced by

Senators Paulson, Larsen, Weston

Representatives Christensen, Satrom, Vetter

A BILL for an Act to create and enact two new sections to chapter 28-32 of the North Dakota Century Code, relating to agency adjudications and judicial deference in administrative hearings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Administrative hearings - Agency adjudications.

Notwithstanding any other provision of law:

1. The administrative agency initiating a case may not supervise the administrative law judge's proceedings.
2. Except by proper evidence and legal argument, an administrative agency may not attempt to influence the findings of fact or the administrative law judge's application of the law in a contested matter.
3. Every decision made by an administrative law judge must contain findings of fact, conclusions of law, and a disposition of the case.
4. Unless a party files an appeal under section 28-32-42, every decision made by an administrative law judge is final.

SECTION 2. A new section to chapter 28-32 of the North Dakota Century Code is created and enacted as follows:

Judicial deference.

Notwithstanding any other provision of law:

1. When interpreting a statute, regulation, or regulatory document, an administrative law judge may not defer to an administrative agency's interpretation of a statute, regulation, or other regulatory document to determine the meaning.

2. In an action involving an administrative agency, the administrative law judge shall exercise doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.