23.1009.02000

Sixty-eighth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2296

Introduced by

Senators Paulson, Larsen, Weston

Representatives Christensen, Satrom, Vetter

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

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:

Judicial deference.

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

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - AUTHORITY OF HEARING OFFICERS. During the 2023-24 interim, the legislative management shall consider studying the impact of granting statutory authority under chapter 28-32 to a hearing officer, who may not be the agency head, to make findings of fact and conclusions of law, and issue orders. The study must include a review of chapter 28-32 and input from governmental entities and other interested parties. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly.