23.1009.02007

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 relating to adjudicative proceeding procedures.

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 1. LEGISLATIVE MANAGEMENT STUDY - ~~AUTHORITY OF HEARING OFFICERS~~ADJUDICATIVE PROCEEDING PROCEDURES. During the 2023-24 interim, the legislative management shall ~~consider studying~~study the ~~impact of granting statutory authority~~adjudicative proceeding procedures under chapter 28-32 ~~to~~, including the statutory authority of a hearing officer~~, who may not be the agency head, to make~~ and the procedures related to the findings of fact ~~and~~, conclusions of law, and ~~issue~~issuance of orders. The study must include a review of chapter 28-32 and input from ~~governmental entities~~administrative agencies 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.