



March 12, 2025

**Statement of Pacific Legal Foundation before the House Judiciary Committee in support of Senate Bill 2285, to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to judicial deference**

Chair Klemin and members of the Committee:

My name is James Manley, and I am State Policy Chief at Pacific Legal Foundation. PLF is a nonprofit public interest law firm dedicated to defending Americans' liberties when threatened by government overreach and abuse. Since our founding 50 years ago, we have been helping Americans fight for their constitutional rights in courthouses and legislatures across the country. We have won 18 cases at the United States Supreme Court.

I write to express PLF's strong support for Senate Bill 2285, a proposal to eliminate judicial deference to agency interpretations of law in North Dakota. This reform is essential to restoring the balance of power among the three branches of government and ensuring that courts fulfill their constitutional duty to independently interpret the law. By passing this legislation, North Dakota would join a growing movement of states committed to protecting individual liberties and the rule of law. A full list is available at [statedeference.org](http://statedeference.org).

Judicial deference—such as the *Chevron*-style deference long criticized at the federal level—allows agencies to effectively rewrite laws under the guise of interpretation, often granting the agencies themselves excessive power and insulating their decisions from meaningful judicial review. As PLF has extensively [documented](#), this practice undermines accountability, allowing unelected bureaucrats to expand their authority beyond legislative intent. Deference has resulted in regulatory overreach, chilling economic freedom, and violating property rights.

North Dakota's proposed reform would lift this thumb on the scale in favor of government by reaffirming the judiciary's role in upholding the rule of law and ensuring agencies exercise only the power the legislature has delegated to them. Courts are uniquely equipped to provide impartial analysis of statutory meaning, free from the conflicts of interest that inherently arise when agencies interpret laws they administer. As PLF's "[Three Pillars of Regulatory Reform](#)" framework emphasizes, eliminating judicial deference fosters transparency and fairness, ensuring that laws reflect the will of the people rather than the preferences of bureaucrats.

Moreover, ending judicial deference aligns with North Dakota's constitutional commitment to limited government and separation of powers. By requiring agencies to adhere strictly to legislative mandates, this reform would not only curb bureaucratic overreach but also incentivize



## PACIFIC LEGAL FOUNDATION

clearer and more precise lawmaking. The result is a legal system where citizens, businesses, and local governments can better predict and comply with regulatory requirements.

I urge you and your colleagues to support Senate Bill 2285 as a critical step toward safeguarding individual freedoms, promoting good governance, and upholding the rule of law in North Dakota. Thank you for considering this important legislation.

Thank you for the opportunity to testify. I am happy to answer any questions; my contact information is listed below.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J Manley', with a long horizontal flourish extending to the right.

James M. Manley  
State Policy Chief