

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2183**

As Agreed to March 26, 2025

Brief*

HB 2183 would prohibit a state court or an administrative hearing officer hearing an administrative action from deferring to an Executive Branch agency's interpretation of certain statutes, rules and regulations, and documents that have the force and effect of law.

The bill would allow for the court or officer to consider the agency's interpretation but they would be required to interpret the meaning and effect of such statute, rules and regulation, or document *de novo*.

[*Note: De novo* is a legal term that generally means a matter must be considered "anew" or "afresh," without relying upon a previous interpretation or ruling.]

The bill would require courts to exercise any remaining doubt regarding matters defined above, in a way that is consistent with an individual's fundamental constitutional rights.

Conference Committee Action

The Conference Committee agreed to remove the contents of HB 2183 regarding artificially generated depictions of minors and insert the provisions of SB 222, as passed by the Senate, regarding judicial deference to state agency interpretation of rules and regulations.

Background

The Conference Committee removed the contents of HB 2183 and inserted the provisions of SB 222, regarding judicial deference to state agency interpretation of rules and regulations.

[*Note:* The original contents of HB 2183, which pertained to artificially generated depictions of children, were included in the Conference Committee report for SB 186.]

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

SB 222 (Judicial Deference)

SB 222 was introduced by the Senate Committee on Judiciary at the request of Senator Warren.

Senate Committee on Judiciary

In the Senate Committee hearing, representatives of Pacific Legal Foundation and Goldwater Institute provided **proponent** testimony. The proponents generally stated the bill would ensure agencies do not exceed their power and respect the separation of powers between the legislative and judicial branches.

Written-only proponent testimony was provided by representatives of Americans for Prosperity–Kansas and the Kansas Chamber.

Neutral testimony was provided by a representative of State Board of Healing Arts (Board). The neutral conferee generally asked that the Committee consider the health of Kansas citizens and exempt the Board from the provisions of the bill.

No other testimony was provided.

The Senate Committee amended the bill to:

- Clarify that administrative hearing officers would be prohibited from deferring to agency interpretations; and
- Modify language concerning how courts or administrative hearing officers may interpret such statutes, rules and regulations, and documents that have the force and effect of law.

[Note: The Conference Committee retained these amendments.]

Fiscal Information

SB 222 (Judicial Deference)

According to the fiscal note provided by the Division of the Budget on SB 222, as introduced, the Office of Administrative Hearings and Department of Labor indicate enactment of the bill would have no fiscal effect on the agencies.

Judiciary, statutory interpretation; deference; executive branch agency

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