

SESSION OF 2025

SUPPLEMENTAL NOTE ON SENATE BILL NO. 222

As Amended by Senate Committee on Judiciary

Brief*

SB 222, as amended, 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.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator Warren.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

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 of Commerce.

Neutral testimony was provided by a representative of Kansas 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.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, 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