

GOLDWATER

I N S T I T U T E

Judicial Deference Reform Act

Amend the state's Administrative Procedures Act "Scope of Review" section by inserting the following language:

- A. In interpreting a state statute, regulation, or other sub-regulatory document, a state court or an officer hearing an administrative action may not defer to a state agency's interpretation of it, and must instead interpret its meaning and effect de novo.
- B. In actions brought by or against state agencies, after applying all customary tools of interpretation, the court or hearing officer must exercise any remaining doubt in favor of a reasonable interpretation which limits agency power and maximizes individual liberty.