GOLDWATER
INSTITUTE

Judicial Deference Reform Act

AN ACT relating to judicial deference to agency interpretations.

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.