

HB 663 -- JUDICIAL REVIEW OF STATE AGENCIES DETERMINATIONS

SPONSOR: Keathley

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 12 to 0.

This bill repeals a provision related to judicial review of actions by state agencies. The bill requires a court or officer hearing an administrative action to review the meaning and effect of a statute, rule, regulation, or other subregulatory document de novo rather than relying on a state agency's interpretation of the statute, rule, regulation, or other document. In an action brought by or against a state agency, the court or officer hearing the administrative action, after applying customary tools of interpretation, must decide any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

PROPONENTS: Supporters say that this bill aims to modify the standard of judicial review concerning state agencies' interpretations of statutes, rules, and regulations. This bill would require the courts to review these cases anew without deferring to state agencies' prior interpretations, and any remaining doubt would have to be interpreted to limit agency power. It seeks to eliminate judicial deference, thereby reinforcing the separation of powers by insuring that courts independently interpret laws. Relying on agency interpretation grants excessive power to unelected bureaucrats. Courts should not just defer to agencies when there is ambiguity.

Testifying in person for the bill were Representative Keathley; Pacific Legal Foundation; Associated Industries of Missouri; Americans For Prosperity; and Arnie Dienhoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.