



Kansas Grain & Feed Association
Kansas Agribusiness Retailers Association
Renew Kansas Biofuels Association

March 4, 2025

To: House Committee on Judiciary
From: Randy Stookey, General Counsel & SVP Government Affairs
Re: **Proponent Joint Written Testimony on SB 222, prohibiting deference to a state agency's interpretation of a statute, rule or regulation or document by a state court or an officer hearing an administrative action**

Chairwoman Humphries and members of the Committee, thank you for the opportunity to testify in support of Senate Bill 222. This testimony is submitted jointly by the Kansas Grain and Feed Association (KGFA), Kansas Agribusiness Retailers Association (KARA), and Renew Kansas Biofuels Association.

KGFA is the state association of the grain receiving, storage, processing and shipping industry in Kansas. KGFA's membership represents 99% of the commercially licensed grain storage in the state. KARA is a trade association of over 700 agribusiness firms that supply fertilizers, crop protection products, seed, petroleum products, and agronomic services to Kansas farmers. Renew Kansas is the trade association of the Kansas biofuels industry.

Members of these associations operate in important agribusiness industries which are highly regulated. While many of the regulations on industry are necessary and proper, we are opposed to regulations which are unnecessary, unreasonable, or overly broad as to scope or cost of implementation, either as adopted or applied.

SB 222 would prohibit a court or an administrative hearing officer from deferring to an agency's interpretation of statutes and regulations 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 other document, de novo.

This bill is consistent with the U.S. Supreme Court's 2024 *Loper Bright* decision concerning the interpretation of ambiguous laws by regulatory agencies. The court found that, under the Administrative Procedure Act, courts, not agencies, should decide all relevant questions of law arising on review of agency action, and that an agency's interpretation of statutes and regulations were not entitled to deference. The ruling emphasized that courts must exercise independent judgment in deciding whether an agency has acted within its statutory authority.

This bill seeks to make Kansas law consistent with the *Loper Bright* decision regarding a court or hearing officer's scope of deference to an agency's interpretation of laws, regulations, and other publications that have the force and effect of law, to ensure that courts exercise their constitutional duty of independent judgment.

SB 222 promotes sound public policy. For the reasons stated, we stand in strong support of the measure which the Senate passed 31-9 and would ask the committee to pass the measure favorably, without amendment.