



Senate Committee on Judiciary

Testimony in Support of Senate Bill 222- Interpretation of Statute

Presented by Eric Stafford, VP of Government Affairs, Kansas Chamber

Friday, February 14, 2025

Mister Chairman and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large businesses of all industry segments across the state. We appreciate the opportunity to testify in support of Senate Bill 222, which clarifies that a court shall not defer to a state agency's interpretation of statute, or rule or regulation.

In June 2024, the U.S. Supreme Court overturned what was known as the "Chevron doctrine" which allowed for a court to uphold an agency's interpretation of statute if "Congress had not directly addressed the question at the center of the dispute," as long as that interpretation was reasonable.

However, agencies have at times taken a broad interpretation of statute to implement rules and regs which arguably were more policy related and not passed by Congress based on the ideology of the administration at the time. The only recourse was litigation over proposed rules and regulations.

From the [scotusblog.com](https://www.scotusblog.com/2024/06/supreme-court-strikes-down-chevron-curtailing-power-of-federal-agencies/): "The APA (Administrative Procedures Act), Roberts noted, directs courts to "decide legal questions by applying their own judgment" and therefore "makes clear that agency interpretations of statutes — like agency interpretations of the Constitution — are not entitled to deference. Under the APA," Roberts concluded, "it thus remains the responsibility of the court to decide whether the law means what the agency says."" (Source: <https://www.scotusblog.com/2024/06/supreme-court-strikes-down-chevron-curtailing-power-of-federal-agencies/>)

Senate Bill 222 protects against judicial deference of agency interpretation of rules and regulations and protects Kansans against government favoritism when an agency takes a broad interpretation of legislative intent. In closing, we respectfully ask for your support of Senate Bill 222, which builds on the great work the Legislature has taken in providing a sound and reasonable regulatory climate in the state.