

House Bill 2255

Sponsored by Representatives YUNKER, DIEHL; Representative WRIGHT, Senators NASH, ROBINSON, SMITH
DB (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that courts may not defer to a state agency's thinking about a law or rule. The Act says that courts have to use an interpretation that limits agency power and favors people's liberty. (Flesch Readability Score: 64.0).

Provides that courts may not defer to an agency's interpretation of a statute or rule. Directs courts to exercise doubt in favor of an interpretation that limits agency power and maximizes individual liberty.

A BILL FOR AN ACT

1
2 Relating to interpretation of laws.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Rule" has the meaning given that term in ORS 183.310.**

6 (b) **"State agency" means any officer, board, commission, department, division or insti-**
7 **tution in the executive or administrative branch of state government.**

8 (2) **In the interpretation of a statute or rule, a court may not defer to a state agency's**
9 **interpretation of the statute or rule.**

10 (3) **In a proceeding in which a state agency is a party, the court or other adjudicator,**
11 **after applying all customary tools of interpretation, shall exercise any remaining doubt in**
12 **favor of a reasonable interpretation that limits agency power and maximizes individual lib-**
13 **erty.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.