

HOUSE BILL NO. 605

INTRODUCED BY J. CARLSON, S. GUNDERSON, J. SCHILLINGER, S. GIST, K. ZOLNIKOV, T. MCGILLVRAY, R. LYNCH, B. USHER, M. NOLAND, D. BARTEL, G. HERTZ, J. ELLSWORTH, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTORY CONSTRUCTION LAWS; ELIMINATING ADMINISTRATIVE DEFERENCE IN ADMINISTRATIVE AND JUDICIAL DECISIONS; LIMITING AGENCY POWER IN FAVOR OF PROVIDING FOR MAXIMUM INDIVIDUAL LIBERTY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Role of judge or decisionmaker-- administrative deference disregarded -- de novo review required.** In interpreting a statute, regulation, administrative rule, or other subregulatory document, the court, the office of the judge, or an officer hearing an administrative action may not defer to an agency's interpretation of it, and shall interpret its meaning and effect de novo instead.

**NEW SECTION. Section 2. Limitation of agency power -- maximum liberty.** In actions brought by or against state agencies, after applying all customary tools of interpretation, the court, the office of the judge, or a hearing officer must exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

**NEW SECTION. Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 1, chapter 2, part 1, and the provisions of Title 1, chapter 2, part 1, apply to [sections 1 and 2].

**NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

**NEW SECTION. Section 5. Applicability.** [This act] applies to agency and judicial decisions issued

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1 on or after [the effective date of this act].

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