

Amendment to HB 1211

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Section; Standards for Review. Amend RSA 541-A by inserting after section 24 the  
4 following new section:

5 541-A:24-a Standards for Review.

6 I. In interpreting a state statute, regulation, or other subregulatory agency document, a  
7 state court or an officer hearing an administration action shall not defer to a state agency's  
8 interpretation of the statute, regulation, or subregulatory document and shall instead interpret its  
9 meaning and effect de novo.

10 II. In actions brought by or against state agencies, after applying all customary tools of  
11 interpretation, the court or hearing officer shall resolve any remaining doubt as to legal meaning in  
12 favor of a reasonable interpretation that limits agency power and maximizes liberty for the  
13 individuals impacted by restrictions, fees, fines, or civil or criminal action as a result of the state  
14 statute, regulation, or other subregulatory agency document.

15 2 New Section; Statutory Construction. Amend RSA 21 by inserting after section 55 the  
16 following new section:

17 21:56 Presumption of Liberty in Administrative Law. Consistent with RSA 541-A:24-a, in  
18 actions brought by or against state agencies, after applying all customary tools of interpretation, a  
19 court or hearing officer shall resolve any remaining doubt as to legal meaning in favor of a  
20 reasonable interpretation that limits agency power and maximizes liberty for the individuals  
21 impacted by restrictions, fees, fines, or civil or criminal action as a result of the state statute,  
22 regulation or other subregulatory agency document.

23 3 Effective Date. This act shall take effect January 1, 2027.

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AMENDED ANALYSIS

This bill states that in actions brought by or against state agencies, after applying all customary tools of interpretation, the court or hearing officer shall resolve any remaining doubt as to legal meaning in favor of a reasonable interpretation that limits agency power and maximizes liberty for the individuals impacted by restrictions, fees, fines, or civil or criminal action as a result of the state statute, regulation, or other subregulatory agency document.