



2025 South Dakota Legislature

Senate Bill 122

Introduced by: **Senator Peterson (Sue)**

1 **An Act to restrict the deference given by courts to a state agency's interpretation of**
 2 **a state statute, administrative rule, or policy.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That a NEW SECTION be added:**

5 In interpreting a state statute, administrative rule, or policy, a state court or an
 6 officer hearing an administrative action may consider, but may not defer to, a state
 7 agency's interpretation of the statute, rule, or policy, and must instead interpret its
 8 meaning and effect de novo.

9 In actions brought by or against state agencies, after applying all customary tools
 10 of interpretation, the court or hearing officer must exercise any remaining doubt in favor
 11 of a reasonable interpretation that is consistent with an individual's fundamental
 12 constitutional rights.

13 **Section 2. That § 1-26-37 be AMENDED:**

14 **1-26-37.** An aggrieved party or the agency may obtain a review of any final
 15 judgment of the circuit court under this chapter by appeal to the Supreme Court. The
 16 appeal ~~shall~~ must be taken as in other civil cases. The Supreme Court shall give the same
 17 deference to the findings of fact, conclusions of law, and final judgment of the circuit court
 18 as it does to other appeals from the circuit court. ~~Such~~ The appeal may not be considered
 19 de novo, except as required in section 1 of this Act.