



2026 South Dakota Legislature

Senate Bill 134

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

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

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

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

5 **1-26-37.** An aggrieved party or the agency may obtain a review of any final
 6 judgment of the circuit court under this chapter by appeal to the Supreme Court. The
 7 appeal ~~shall~~ must be taken as in other civil cases. The Supreme Court shall give the same
 8 deference to the findings of fact, conclusions of law, and final judgment of the circuit court
 9 as it does to other appeals from the circuit court. ~~Such~~ The appeal may not be considered
 10 de novo, except as required in section 2 of this Act.

11 **Section 2. That a NEW SECTION be added to chapter 15-1:**

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

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