**South Carolina General Assembly**

124th Session, 2021-2022

**S. 404**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Kimbrell and Hembree

Document Path: l:\s-res\jk\003alc .kmm.jk.docx

Introduced in the Senate on January 12, 2021

Currently residing in the Senate Committee on **Judiciary**

Summary: Administrative Law Court, hearings and proceedings

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 302](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 302](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\404_20201209.docx)

**A** **BILL**

TO AMEND SECTION 1-23-600 OF THE 1976 CODE, RELATING TO HEARINGS AND PROCEEDINGS IN FRONT OF THE ADMINISTRATIVE LAW COURT, TO PROVIDE THAT AGENCY INTERPRETATIONS OF RELEVANT STATUTES AND REGULATIONS ARE NOT ENTITLED TO DEFERENCE FROM THE PRESIDING ADMINISTRATIVE LAW JUDGE, TO PROVIDE THAT REVIEW OF THOSE INTERPRETATIONS SHALL BE DE NOVO, AND TO PROVIDE THAT ANY DOUBT SHALL BE EXERCISED IN FAVOR OF THE INDIVIDUAL RATHER THAN THE AGENCY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 1-23-600 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) In hearings conducted pursuant to this section, the presiding administrative law judge shall review a state agency’s interpretation of relevant statutes and regulations *de novo*. The presiding administrative law judge shall not give deference to the state agency’s interpretation and shall exercise any doubt in favor of a reasonable interpretation that limits the state agency’s power and maximizes individual liberty.”

SECTION 2. This act takes effect upon approval by the Governor.

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