

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

400W0519

## HOUSE BILL NO. 1144

Introduced by: The Committee on State Affairs at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to repeal and revise certain unnecessary and outdated  
2 provisions related to state affairs and government.

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

4 Section 1. That § 1-7-2 be repealed.

5 ~~1-7-2. The Governor may publish and distribute copies of his messages and inaugural~~  
6 ~~addresses.~~

7 Section 2. That § 1-26-26 be amended to read as follows:

8 1-26-26. Unless required for the disposition of ex parte matters authorized by law, members  
9 of the governing board or officers or employees of an agency assigned to render a decision or  
10 to make findings of fact and conclusions of law in a contested case ~~shall~~ may not communicate,  
11 directly or indirectly, in connection with any issue of fact, with any person or party, nor, in  
12 connection with any issue of law, with any party or ~~his~~ the party's representative, except upon  
13 notice and opportunity for all parties to participate. If one or more members of a board or  
14 commission or a member or employee of an agency, who is assigned to render a decision in a  
15 contested case, took part in an investigation upon which the contested case is based, ~~he shall~~ the



1 member or employee may not participate in the conduct of the hearing nor take part in rendering  
2 the decision ~~thereon, but he~~ on the contested case. However, the member or employee may  
3 appear as a witness and give advice as to procedure. If, because of ~~such~~ the disqualification,  
4 there is no person assigned to conduct the hearing or render the decision, the agency shall  
5 appoint ~~someone pursuant to § 1-26-18.1~~ a person to fulfill those duties. A person assigned to  
6 render a decision:

- 7 (1) May communicate with other members of the agency; and
- 8 (2) May have the aid and advice of one or more personal assistants.