

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

916B0432

HOUSE ENGROSSED NO. **HB1096** - 2/12/98

Introduced by: Representatives de Hueck, Brown (Jarvis), Crisp, Diedrich, and Moore and
Senator Daugaard

1 FOR AN ACT ENTITLED, An Act to permit any party in contested cases to require the use of
2 the Office of Hearing Examiners.

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

4 Section 1. That § 1-26-18.3 be amended to read as follows:

5 1-26-18.3. In a contested case, if the amount in controversy exceeds two thousand five
6 hundred dollars or if a property right may be terminated, any party to the contested case may
7 require the agency to use the Office of Hearing Examiners by giving notice of the request no later
8 than ten days prior to the hearing. Except as otherwise provided for cases arising under Title 61,
9 ~~if such requesting party does not prevail, the Office of Hearing Examiners shall require the~~
10 ~~requesting party to pay the cost of the services rendered in hearing the contested case~~ a request
11 to have the matter heard by the Office of Hearing Examiners is found to be frivolous or made
12 in bad faith, the Office of Hearing Examiners shall impose upon the requesting party, all costs
13 incurred by the Office of Hearing Examiners in hearing the contested case.

1 **BILL HISTORY**

2 1/16/98 First read in House and referred to Judiciary. H.J. 57

3 1/28/98 Scheduled for Committee hearing on this date.

4 1/30/98 Scheduled for Committee hearing on this date.

5 2/2/98 Scheduled for Committee hearing on this date.

6 2/2/98 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 368

7 2/5/98 Deferred with pending amendment (Rule 5-17). H.J. 414

8 2/9/98 House of Representatives Deferred to another day. H.J. 488

9 2/10/98 House of Representatives Deferred to another day. H.J. 532

10 2/11/98 Motion to Amend, Passed. H.J. 569

11 2/11/98 House of Representatives Do Pass Amended, Passed, AYES 65, NAYS 3. H.J. 569

12 2/11/98 House of Representatives Title Amended Passed. H.J. 570