

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

916B0432

## HOUSE BILL NO. 1096

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 and to eliminate the penalty for such use.

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~~ Any party to ~~the~~ a contested case  
7 may require the agency to use the Office of Hearing Examiners by giving notice of the request  
8 no later than ten days prior to the hearing. ~~Except as otherwise provided for cases arising under~~  
9 ~~Title 61, if such requesting party does not prevail, the Office of Hearing Examiners shall require~~  
10 ~~the requesting party to pay the cost of the services rendered in hearing the contested case.~~