

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

892J0274

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **SB 68** - 01/28/2004

Introduced by: Senators Schoenbeck and de Hueck and Representatives Madsen and Engels

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the receipt of notice
2 of an appeal in an administrative appeal.

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

4 Section 1. That § 1-26-31 be amended to read as follows:

5 1-26-31. An appeal shall be taken by serving a copy of a notice of appeal upon the adverse
6 party, upon the agency, and upon the hearing examiner, if any, who rendered the decision, and
7 by filing the original with proof of such service in the office of the clerk of courts of the county
8 in which the venue of the appeal is set, within thirty days after the agency served notice of the
9 final decision or, if a rehearing is authorized by law and is requested, within thirty days after
10 notice has been served of the decision thereon. Failure to serve notice of the appeal upon the
11 hearing examiner does not constitute a jurisdictional bar to the appeal.

