

# State of South Dakota

EIGHTIETH  
LEGISLATIVE ASSEMBLY, 2005

400L0258

SENATE JUDICIARY COMMITTEE ENGROSSED NO.

**SB 15** - 01/14/2005

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to provide that certain submissions constitute waiver of the  
2 right to change a hearing examiner in certain contested cases regarding workers'  
3 compensation.

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

5 Section 1. That chapter 62 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Notwithstanding § 62-7-12.2, the submission to a hearing examiner of argument or proof  
8 in support of a motion or application constitutes a waiver of the right thereafter to file an  
9 informal request to disqualify the hearing examiner by any party or the party's counsel who  
10 submitted the argument or proof. The waiver shall continue until the final determination of the  
11 action and includes all subsequent motions, hearings, proceedings, and all proceedings to  
12 enforce, amend, or vacate any order.

