



## 2026 South Dakota Legislature

# Senate Bill 51

*Introduced by: The Chair of the Committee on Retirement Laws at the request of the South Dakota Retirement System*

1 **An Act to revise certain requirements for contesting actions of the South Dakota**  
 2 **Retirement System.**

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

4 **Section 1. That § 3-12C-213 be AMENDED:**

5 ~~3-12C-213. Any person aggrieved by a final determination made by the system's~~  
 6 ~~staff may request review of the final determination and a decision by the executive director~~  
 7 ~~if the request is made in writing within thirty days after receiving the final determination.~~  
 8 ~~The person, if then aggrieved by the executive director's decision, may appeal the~~  
 9 ~~decision, if the person files a written notice of appeal with the executive director within~~  
 10 ~~thirty days of the date of the decision. The notice shall identify the person appealing and~~  
 11 ~~the decision appealed. The appeal shall be conducted by a hearing examiner in accordance~~  
 12 ~~with chapter 1-26. The hearing examiner, after hearing the evidence in the matter, shall~~  
 13 ~~make proposed findings of fact and conclusions of law, and a proposed decision. The~~  
 14 ~~executive director shall accept, reject, or modify the findings, conclusions, and decision of~~  
 15 ~~the hearing examiner and such action constitutes the final agency decision. Alternatively,~~  
 16 ~~the executive director may appoint the hearing examiner to make the final agency~~  
 17 ~~decision. The final agency decision may be appealed to circuit court pursuant to chapter~~  
 18 ~~1-26. The executive director may arrange for the assistance of private counsel throughout~~  
 19 ~~the appeal process.~~  
 20 Any individual aggrieved by an order of the executive director issued  
 21 pursuant to this chapter and chapters 3-13 and 3-13A may, in writing, request a contested  
 22 case hearing before the executive director, if that individual believes that the order is  
 23 based upon a mistake of fact or error of law.

24 The written hearing request must be received by the executive director within sixty  
 25 days from the date the order was mailed to the individual by certified mail and must  
 26 contain a statement indicating the portion of the order being contested and the mistake  
of fact or error of law that the individual believes resulted in an invalid order. If a written

1 request for hearing is not received by the executive director within sixty days from the  
2 date the order was mailed by certified mail to the individual, then no court has jurisdiction  
3 over a suit to contest the order.

4 For purposes of this section, if a written request for hearing is sent by United States  
5 mail, the date of the postmark placed by the United States postal service is the date  
6 received by the executive director.

7 A hearing under this section and any subsequent appeal must occur in accordance  
8 with chapters 1-26 and 1-26D.