

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0261

HOUSE BILL NO. 1022

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

1 FOR AN ACT ENTITLED, An Act to revise the South Dakota Retirement System's contested
2 case provisions.

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

4 Section 1. That chapter 3-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any person aggrieved by a determination made by the system's staff may request review of
7 the determination and a decision by the administrator. The person, if then aggrieved by the
8 administrator's decision, may appeal the decision, if the person files a written notice of appeal
9 with the administrator within thirty days of the date of the decision. The notice shall identify the
10 person appealing and the decision appealed. The appeal shall be conducted by a hearing
11 examiner in accordance with chapter 1-26. The hearing examiner, after hearing the evidence in
12 the matter, shall make proposed findings of fact and conclusions of law, and a proposed
13 decision. The administrator shall accept, reject, or modify those findings, conclusions, and
14 decision. The administrator may arrange for the assistance of private counsel throughout the
15 administrator's review of the proposal. The administrator's action constitutes the final agency



1 decision. The final agency decision may be appealed to circuit court pursuant to chapter 1-26.

2 Section 2. That § 3-12-57 be repealed.

3 ~~—3-12-57. Any applications which on their face appear valid and to which the applicant is~~
4 ~~obviously entitled shall be approved by the administrator. If the administrator has any reason~~
5 ~~to question an application he shall forward it to the Board of Trustees who shall afford the~~
6 ~~applicant an opportunity for hearing upon reasonable notice. Action taken by the board on~~
7 ~~applications shall be treated as a contested case with right of review authorized by chapter 1-26.~~