

**Senate
Daily Reader**

Tuesday, January 15, 2002

Bills Included				
SB 18	SB 38			

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0183

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 18** - 01/14/2002

Introduced by: The Committee on State Affairs at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to permit the summary disposition of certain contested
2 cases.

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

4 Section 1. That § 1-26-18 be amended to read as follows:

5 1-26-18. Opportunity shall be afforded all parties to respond and present evidence on issues
6 of fact and argument on issues of law or policy. However, each agency, on its own initiative or
7 upon the motion of any party, may dispose of any defense or claim:

8 (1) Without a hearing if the pleadings, depositions, answers to interrogatories, and
9 admissions on file, together with the affidavits, if any, show that there is no genuine
10 issue as to any material fact and a party is entitled to a judgment as a matter of law;
11 or

12 (2) At the close of the evidence offered by the proponent of the defense or claim if it
13 determines that the evidence offered by the proponent of the defense or claim is
14 legally insufficient to sustain the defense or claim.

15 A party to a contested case proceeding may appear in person or by counsel, or both, may be



1 present during the giving of all evidence, may have reasonable opportunity to inspect all
2 documentary evidence, may examine and cross-examine witnesses, may present evidence in
3 support of ~~his~~ the party's interest, and may have subpoenas issued to compel attendance of
4 witnesses and production of evidence in ~~his~~ the party's behalf.

5 Section 2. That § 3-6A-38 be amended to read as follows:

6 3-6A-38. If a grievance remains unresolved after exhaustion of a departmental grievance
7 procedure, an employee may demand a hearing before the Career Service Commission as
8 provided for in contested cases in chapter 1-26 and proceedings shall be held as provided ~~therein~~
9 in chapter 1-26. The Career Service Commission shall provide notice of the hearing within thirty
10 calendar days of an employee's request for a hearing ~~and the~~. The commission shall conduct a
11 hearing within thirty calendar days of the notice of the hearing unless the hearing is continued
12 for good cause or unless the commission determines, on its own initiative or upon the motion
13 of any party, that the pleadings, depositions, answers to interrogatories, and admissions on file,
14 together with the affidavits, if any, show that a grievance, defense, or claim presents no genuine
15 issue as to any material fact and a party is entitled to a judgment as a matter of law. The Career
16 Service Commission, on its own initiative or upon the motion of any party, may dispose of any
17 grievance, defense, or claim at the close of the evidence offered by the proponent of the
18 grievance, defense, or claim if it determines that the evidence offered by the proponent of the
19 grievance, defense, or claim is legally insufficient to sustain the grievance, defense, or claim. The
20 commissioner shall schedule the hearing to ensure compliance with the time frames provided in
21 this section. If the grievant agrees, the commissioner may appoint a hearing examiner as
22 authorized in § 1-26-18.1.

23 Any final action or decision may be appealed pursuant to chapter 1-26.

24 Section 3. That § 3-18-15.2 be amended to read as follows:

1 3-18-15.2. If, after following the grievance procedure enacted by the governing body, the
2 grievance remains unresolved, except in cases provided for in § 3-6A-38, it may be appealed to
3 the Department of Labor, if notice of appeal is filed with the department within thirty days after
4 the final decision by the governing body is mailed or delivered to the employee. The Department
5 of Labor shall conduct an investigation and hearing and shall issue an order covering the points
6 raised, which order is binding on the employees and the governmental agency. However, the
7 department, on its own initiative or upon the motion of any party, may dispose of any grievance,
8 defense, or claim:

9 (1) Without a hearing if the pleadings, depositions, answers to interrogatories, and
10 admissions on file, together with the affidavits, if any, show that there is no genuine
11 issue as to any material fact and a party is entitled to a judgment as a matter of law;

12 or

13 (2) At the close of the evidence offered by the proponent of the grievance, defense, or
14 claim if it determines that the evidence offered by the proponent of the grievance,
15 defense, or claim is legally insufficient to sustain the grievance, defense, or claim.

16 Nothing in this section may be interpreted as giving the department ~~of labor~~ power to grant
17 tenure or promotion to a faculty member employed by the Board of Regents.

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0296

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 38** - 01/14/2002

Introduced by: The Committee on State Affairs at the request of the Department of Military and Veterans Affairs

1 FOR AN ACT ENTITLED, An Act to require certain information to be collected to create a
2 database of certain public officials and public employees for use in the event of an emergency
3 or disaster and to authorize administrative rules to implement the reporting procedures.

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

5 Section 1. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No later than July first of each year, each municipal governing body as defined by subdivision
8 9-1-1(4), shall provide to the Department of Military and Veterans Affairs, Division of
9 Emergency Management, information that will enable emergency agencies to reach the members
10 of the municipal governing board and the mayor at any time, day or night. The information
11 necessary shall include home, business, and other personal telephone numbers including any
12 facsimile transmission machines and cellular or mobile telephone numbers; home, business, and
13 other personal addresses; employer's name and telephone number; and home, business, and other
14 personal email or internet addresses.



1 Section 2. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 In addition to the information required in section 1 of this Act, each municipal governing
4 body shall provide to the Department of Military and Veterans Affairs, Division of Emergency
5 Management contact information for the municipal employees responsible for the following
6 functions if the municipality employs a person in such a capacity:

- 7 (1) City administrator or city manager;
- 8 (2) Building inspection;
- 9 (3) Engineering;
- 10 (4) Electrical;
- 11 (5) Fire;
- 12 (6) Police and law enforcement;
- 13 (7) Public works;
- 14 (8) Streets and highways;
- 15 (9) Sewer and waste water;
- 16 (10) Water;
- 17 (11) Telephone;
- 18 (12) Utilities;
- 19 (13) Emergency services or civil defense;
- 20 (14) Coroner; and
- 21 (15) 911 coordinator.

22 Section 3. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as
23 follows:

24 No later than January thirty-first of each year, each county commission shall provide to the

1 Department of Military and Veterans Affairs, Division of Emergency Management, information
2 that will enable emergency agencies to reach the members of the county commission, the county
3 auditor, the county sheriff, the county coroner, and the state's attorney at any time, day or night.
4 The information necessary shall include home, business, and other personal telephone numbers
5 including any facsimile transmission machines and cellular or mobile telephone numbers; home,
6 business, and other personal addresses; employer's name and telephone number; and home,
7 business, and other personal email or internet addresses.

8 The county commission shall also provide information on any employee of the county
9 responsible for any of the functions listed in section 2 of this Act.

10 Section 4. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 No later than March thirty-first of each year, each township board of supervisors shall
13 provide to the Department of Military and Veterans Affairs, Division of Emergency
14 Management, information that will enable emergency agencies to reach each member of the
15 board of supervisors, the township constable, and the township clerk at any time, day or night.
16 The information necessary shall include home, business, and other personal telephone numbers
17 including any facsimile transmission machines and cellular or mobile telephone numbers; and
18 home, business, and other personal addresses; employer's name and telephone number; home,
19 business, and other personal email or internet addresses.

20 The board of township supervisors shall also provide information on any employee of the
21 township responsible for any of the functions listed in section 2 of this Act.

22 Any township with fewer than ten registered voters in the township is exempted from the
23 provisions of this Act.

24 Section 5. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 The Department of Military and Veterans Affairs shall promulgate rules, pursuant to chapter
3 1-26, to establish reporting procedures pursuant to this Act and to require any other information
4 that is reasonably expected to provide the ability for any emergency agency in this state to
5 contact local officials in the event of an emergency.

6 Section 6. That chapter 33-15 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 The information provided pursuant to this Act shall remain confidential and may only be used
9 for emergency purposes.