

2020 South Dakota Legislature
House Bill 1055

AMENDMENT 1055B FOR THE HOUSE LOCAL GOVERNMENT BILL

1 **An Act to revise certain provisions regarding the termination of a political committee**
2 **under certain circumstances.**

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

4 **Section 1.** That § 12-27-29.2 be AMENDED:

5 **12-27-29.2. Order assessing penalty--Contents--Appeal--Termination of**
6 **committee.**

7 Any civil penalty imposed pursuant to § 12-27-29.1 shall be assessed against the
8 violator by an order of the secretary of state. The order shall state the date and facts of
9 each violation addressed under the penalty assessed and the citations to the provisions of
10 each law alleged to be violated. The secretary of state shall serve the order and
11 assessment by certified mail. The order shall contain a statement that the violator may
12 appeal the order within thirty days after receipt of the order by filing a written request for
13 a contested case hearing with the Office of Hearing Examiners. If no contested case
14 hearing is requested within ~~thirty~~ sixty days of ~~receipt of the order service by certified~~
15 mail, a civil penalty constitutes a judgment and may be executed by delivery of a true and
16 correct copy certified by the secretary of state in the manner provided for the execution
17 of money judgments provided in chapter 15-18.

18 An appeal from the Office of Hearing Examiners to circuit court may be taken by the
19 parties to the appeal and intervenors before the Office of Hearing Examiners. The appeal
20 shall be taken and conducted pursuant to the provisions of chapter 1-26. The venue of
21 the appeal shall be in Hughes County.

22 ~~Notwithstanding whether a committee pays the penalty, if~~ If the secretary of state
23 does not receive the payment of the penalty and the delinquent report within thirty
24 five days after receipt of the date of the order, the secretary of state may terminate that
25 committee. If a committee is terminated, the secretary of state shall mail a termination
26 letter to the last address on record for the treasurer.