

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

285B0165

SENATE BILL NO. 45

Introduced by: Senator Schoenbeck and Representative Johns

1 FOR AN ACT ENTITLED, An Act to revise the provisions regarding the filing of a statement
2 of additional issues on appeal in certain contested cases.

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

4 Section 1. That § 1-26-31.4 be amended to read:

5 1-26-31.4. Within ten days after the filing of the notice of appeal as required by § 1-26-31,
6 the appellant shall file with the clerk of the circuit court a statement of the issues the appellant
7 intends to present on ~~the~~ appeal and shall serve on the other parties a copy of ~~such~~ that
8 statement. If any other party appellant wishes to raise additional issues on appeal, the party other
9 appellant shall file ~~an additional~~ a statement of additional issues on appeal within ten days after
10 service of the appellant's statement.

11 Section 2. That § 1-26-36.1 be amended to read:

12 1-26-36.1. An appellee may obtain review of a final decision, ruling, or action of any agency
13 which may adversely affect ~~him~~ the appellee by filing a notice of review with the clerk of the
14 circuit court within twenty days after service of the notice of appeal. If a statement of additional
15 issues on appeal is filed pursuant to § 1-26-31.4, the notice of review required by this section



1 must be filed within twenty days after the latest statement of additional issues on appeal is filed.
2 The clerk of the circuit court shall not accept for filing such notice of review unless
3 accompanied by proof of service of such notice on all other parties. The notice of review shall
4 specify the decision, ruling, or action of the agency to be reviewed.