

AN ACT

ENTITLED, An Act to revise the rules promulgation process for administrative rules with a financial impact upon political subdivisions of state government.

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

Section 1. That § 1-26-4.7 be amended to read as follows:

1-26-4.7. The Interim Rules Review Committee may require an agency to revert to any step in the adoption procedure provided in § 1-26-4. The Interim Rules Review Committee may require an agency to hold public hearings in addition to those provided for in § 1-26-4 if, in the judgment of the committee:

- (1) The substance of the proposed rule has been significantly rewritten from the originally proposed rule which was not the result of testimony received from the public hearing;
- (2) The proposed rule needs to be significantly rewritten in order to accomplish the intent of the agency;
- (3) The proposed rule needs to be rewritten to address the recommendations or objections of the Interim Rules Review Committee;
- (4) The proposed rule is not a valid exercise of delegated legislative authority;
- (5) The proposed rule is not in proper form;
- (6) The notice given prior to the proposed rule's adoption was not sufficient to give adequate notice to persons likely to be affected by the proposed rule;
- (7) The proposed rule is not consistent with the expressed legislative intent pertaining to the specific provision of law which the proposed rule implements; or
- (8) The proposed rule is not a reasonable implementation of the law as it affects the convenience of the general public or persons likely affected by the proposed rule.

The Interim Rules Review Committee shall consider whether any rule complies with the

provisions of § 6-15-1. If the committee determines that any proposed rule does not comply with § 6-15-1, the committee shall require an agency to revert to any step in the adoption procedure provided in § 1-26-4.

If the committee requires an agency to revert to any step in the adoption procedure pursuant to this section, the time limitations set by chapter 1-26 shall also revert to the same step.

An Act to revise the rules promulgation process for administrative rules with a financial impact upon political subdivisions of state government.

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I certify that the attached Act
originated in the

SENATE as Bill No. 155

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 155
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State