

AN ACT

ENTITLED, An Act to modify the requirements relating to the publication of the administrative rules.

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

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

1-26A-1. The Legislative Research Council shall publish from time to time, the Administrative Rules of South Dakota, which shall contain permanent rules of general application promulgated pursuant to chapter 1-26. In preparing the text of the rules for publication, the Legislative Research Council shall make such changes as may be necessary to correct apparent errors, to correlate and integrate all the rules, to harmonize, to assign a new title and other designation, and to eliminate or clarify obviously obsolete or ambiguous rules and rules declared invalid by the South Dakota Supreme Court or the United States Supreme Court. The Legislative Research Council may substitute terms or phraseology, and names of boards, commissions, and agencies, wherever the Legislature has expressly or by implication indicated an intention to do so. The publication may also contain information concerning executive orders, agreements made pursuant to chapter 1-24, agreements and changes made pursuant to chapter 1-32, and court rules, of permanent and general application which are not otherwise generally available to the public. The Legislative Research Council shall also publish at periodic intervals, the South Dakota Register which shall contain notices of hearings on proposed rules at least ten days prior to hearing, notices of rules filed in the secretary of state's office and other information relating to agency and judicial rules and executive actions.

The Legislative Research Council shall prepare the manuscripts for the rules and the register and supervise their publication.

Section 2. That § 1-26A-2 be amended to read as follows:

1-26A-2.

The compilation of rules known as the Administrative Rules of South Dakota, prepared by the Legislative Research Council under the authority of § 1-26A-1 and filed with the secretary of state, exclusive of its analyses and notes, are the official rules of all state executive agencies.

Section 3. That § 1-26A-3 be amended to read as follows:

1-26A-3. Within one year of the effective date of a rule, an action or proceeding may be brought to contest the legality of any rule for the failure of the agency to comply with the procedural requirements of chapter 1-26. However, this section does not restrict a person's right to initiate an action or proceeding to challenge the legality of the substance of any rule.

Section 4. That § 1-26A-6 be amended to read as follows:

1-26A-6. The secretary of state shall keep a copy of the administrative rules published pursuant to §§ 1-26A-1 and 1-26A-2, from which to make certified copies.

Section 5. That § 1-26A-7 be amended to read as follows:

1-26A-7. The Administrative Rules of South Dakota as amended, printed, and published pursuant to law, shall be known as the Administrative Rules of South Dakota, and shall be cited as "(year of publication) ARSD" followed by the appropriate number of the title, article, chapter, or section.

Section 6. That § 1-26A-9 be amended to read as follows:

1-26A-9. Any reference to the Administrative Rules of South Dakota in the South Dakota Codified Laws or in the Administrative Rules of South Dakota shall be construed to be a reference to the administrative rules published pursuant to § 1-26A-2.

Section 7. That § 1-26A-1.1 be repealed.

Section 8. That § 1-26A-1.2 be repealed.

Section 9. That § 1-26A-1.3 be repealed.

Section 10. That § 1-26A-1.4 be repealed.

Section 11. That § 1-26A-1.5 be repealed.

Section 12. That § 1-26A-1.6 be repealed.

Section 13. That § 1-26A-1.7 be repealed.

Section 14. That § 1-26A-1.8 be repealed.

Section 15. That § 1-26A-1.9 be repealed.

Section 16. That § 1-26A-1.10 be repealed.

Section 17. That § 1-26A-1.11 be repealed.

Section 18. That § 1-26A-1.12 be repealed.

Section 19. That § 1-26A-1.13 be repealed.

Section 20. That § 1-26A-4 be repealed.

Section 21. That § 1-26A-5 be repealed.

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I certify that the attached Act
originated in the

SENATE as Bill No. 71

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. 71
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