

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

964S0003

SENATE ENGROSSED NO. **HB 1003** - 3/7/2011

Introduced by: Representatives Hunt, Gibson, and Lust and Senators Hunhoff (Jean), Hundstad, and Vehle at the request of the Interim Committee on Rules Review

1 FOR AN ACT ENTITLED, An Act to permit the Interim Rules Review Committee to revert
2 a rule if the rule imposes certain costs.

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

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

5 1-26-4.7. The Interim Rules Review Committee may require an agency to revert to any step
6 in the adoption procedure provided in § 1-26-4. ~~The Interim Rules Review Committee may~~
7 ~~require an agency to hold public hearings in addition to those provided for in § 1-26-4 if, in the~~
8 judgment of the committee:

- 9 (1) The substance of the proposed rule has been significantly rewritten from the
10 originally proposed rule which was not the result of testimony received from the
11 public hearing;
- 12 (2) The proposed rule needs to be significantly rewritten in order to accomplish the intent
13 of the agency;
- 14 (3) The proposed rule needs to be rewritten to address the recommendations or



1 objections of the Interim Rules Review Committee;

2 (4) The proposed rule is not a valid exercise of delegated legislative authority;

3 (5) The proposed rule is not in proper form;

4 (6) The notice given prior to the proposed rule's adoption was not sufficient to give
5 adequate notice to persons likely to be affected by the proposed rule;

6 (7) The proposed rule is not consistent with the expressed legislative intent pertaining
7 to the specific provision of law which the proposed rule implements; ~~or~~

8 (8) The proposed rule is not a reasonable implementation of the law as it affects the
9 convenience of the general public or persons likely affected by the proposed rule ; or

10 (9) The proposed rule may impose more than nominal costs upon a unit of local
11 government or school district when the unit of local government or school district
12 may not have sufficient funding to perform the activity required by the proposed rule.

13 ~~The Interim Rules Review Committee shall consider whether any rule complies with the~~
14 ~~provisions of § 6-15-1. If the committee determines that any proposed rule does not comply with~~
15 ~~§ 6-15-1, the committee shall require an agency to revert to any step in the adoption procedure~~
16 ~~provided in § 1-26-4.~~

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