

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

286R0600

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 155** - 2/12/2010

Introduced by: Senators Brown and Gant and Representative Hamiel

1 FOR AN ACT ENTITLED, An Act to provide for the promulgation and adoption of
2 administrative rules with a substantial financial impact upon political subdivisions of state
3 government.

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

5 Section 1. That chapter 1-26 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Whenever the Interim Rules Review Committee reviews any rule impacting any political
8 subdivision of state government, the committee shall determine whether promulgation of the
9 rule is likely to result in a substantial unfunded financial mandate on the affected political
10 subdivisions. In making that determination, the committee may require the proponent of the rule
11 to furnish the committee with an analysis of the financial impact of the proposed rule. The
12 committee may also solicit testimony from the affected political subdivisions.

13 Section 2. That chapter 1-26 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 For purposes of this Act, the term, substantial unfunded financial mandate, means any



1 mandate that results in a cost to the political subdivision of ten thousand dollars or more. If the
2 Interim Rules Review Committee determines, by majority vote, that the proposed rule will, in
3 fact, constitute a substantial unfunded financial mandate on the political subdivisions, the rule
4 is automatically suspended by such determination through the next succeeding legislative
5 session. However, upon a showing by the proponent of the rule, that suspension of the rule will
6 cause irreparable harm to the best interests of the state of South Dakota, the committee may, by
7 a unanimous vote of the members present, waive the provisions of this section and approve the
8 proposed rule.