

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

973X0494

SENATE STATE AFFAIRS

ENGROSSED NO. **SB 104** - 02/08/2016

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Vehle, Bradford, and Heineman (Phyllis) and Representatives Johns, Gibson, and Hunhoff (Jean)

1 FOR AN ACT ENTITLED, An Act to set the time period for when an agency may promulgate  
2 rules.

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

4 Section 1. That § 1-26-4.3 be amended to read:

5 1-26-4.3. No permanent rule may be ~~adopted if more than seventy-five days have passed~~  
6 ~~from the date the public hearing on the rule commenced. The agency shall appear before filed~~  
7 ~~with the secretary of state without the review of the rule by the Interim Rules Review~~  
8 ~~Committee and present the proposed permanent rule to the committee within the~~  
9 ~~seventy-five-day period before the rule is filed with the secretary of state. If the Interim Rules~~  
10 ~~Review Committee fails to meet on the proposed permanent rule during the seventy-five-day~~  
11 ~~period, and if the agency has complied with subdivisions 1-26-6(1) to 1-26-6(4), inclusive, the~~  
12 ~~agency may complete the rules adoption process by complying with subdivision 1-26-6(5)~~  
13 ~~notwithstanding subdivision 1-26-6(6). No permanent rule may be filed with the secretary of~~  
14 ~~state if more than sixty days have passed from the date the Interim Rules Review Committee~~



1 reviewed the rule. No emergency rule may be adopted if more than thirty days have passed from  
2 the date the notice of intent to adopt an emergency rule was published in the manner prescribed  
3 in § 1-26-4.1.