

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

496Z0627

HOUSE ENGROSSED NO. **HB 1255** - 2/14/2018

Introduced by: Representatives Hunhoff, Bartling, Brunner, DiSanto, Goodwin, Haugaard, Heinemann, Howard, Latterell, Pischke, Reed, Schoenfish, and Willadsen and Senators Russell, Curd, Greenfield (Brock), Maher, Nelson, and Wiik

1 FOR AN ACT ENTITLED, An Act to revise the authority of the interim Rules Review
2 Committee to revert a rule to any step in the rules adoption process.

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:

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 if, in the judgment of the committee:

- 7 (1) The substance of the proposed rule has been significantly rewritten from the
8 originally proposed rule which was not the result of testimony received from the
9 public hearing;
- 10 (2) The proposed rule needs to be significantly rewritten in order to accomplish the intent
11 of the agency;
- 12 (3) The proposed rule needs to be rewritten to address the recommendations or
13 objections of the Interim Rules Review Committee;
- 14 (4) The proposed rule is not a valid exercise of delegated legislative authority;



- 1 (5) The proposed rule is not in proper form;
- 2 (6) The notice given prior to the proposed rule's adoption was not sufficient to give
3 adequate notice to persons likely to be affected by the proposed rule;
- 4 (7) The proposed rule is not consistent with the expressed legislative intent pertaining
5 to the specific provision of law which the proposed rule implements;
- 6 (8) The proposed rule is not a reasonable implementation of the law as it affects the
7 convenience of the general public or persons likely affected by the proposed rule; ~~or~~
- 8 (9) The proposed rule may impose more than nominal costs upon a unit of local
9 government or school district when the unit of local government or school district
10 may not have sufficient funding to perform the activity required by the proposed rule;
11 or
- 12 (10) The proposed rule expands the scope of a benefit program before the proposed
13 expansion of the program has been presented to the Legislature in which case the
14 committee can require as a condition of the reversion that the proposed rule be
15 considered and approved by the joint appropriations committee.

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