

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

649U0234

SENATE BILL NO. 185

Introduced by: Senators Hunhoff (Jean), Begalka, Brown, Buhl, Frerichs, Heineman (Phyllis), Krebs, Lederman, Lucas, Olson (Russell), Peters, Rave, Rhoden, Sutton, Tidemann, and Vehle and Representatives Gibson, Bartling, Duvall, Feickert, Feinstein, Hansen, Hawks, Hawley, Heinert, Hunhoff (Bernie), Kirschman, Lust, Parsley, Peterson, Rounds, Schaefer, Schrempp, Sly, Soli, Solum, Tyler, and Wismer

1 FOR AN ACT ENTITLED, An Act to clarify the authority of the interim rules review
2 committee.

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

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

6 The interim rules review committee may:

- 7 (1) Declare that the rule-making process is complete to the satisfaction of the committee;
- 8 (2) Revert the rule to an earlier step in the rule adoption procedure pursuant to § 1-26-4.7
9 to propose an amendment to the adopted rule; or
- 10 (3) Move to suspend the adopted rule pursuant to § 1-26-38.

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

13 If the interim rules review committee reverts a rule to propose an amendment to an adopted



1 rule under subdivision (2) of section 1 of this Act, the agency may make the amendment and
2 resubmit the rule as amended at the next meeting of the interim rules review committee. Only
3 an amended rule that the agency could have adopted on the basis of the record in the agency's
4 rule-making proceeding and the legal authority granted to the agency is subject to the provisions
5 of this section. An agency is not required to hold a hearing on an amendment made under this
6 section. If the agency makes the amendment, the amended rule shall be published in the next
7 register.

8 Section 3. That chapter 1-26 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 If the interim rules review committee suspends the adoption of the rule pursuant to § 1-26-
11 38, the adopted rule becomes effective on July first after the next regular session of the
12 Legislature unless before adjournment the Legislature enacts a bill to sustain the action of the
13 interim rules review committee. Nothing in this Act precludes other legislative remedies to
14 amend the statutory authority of the agency to adopt the rule.