

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

237B0510

HOUSE BILL NO. 1226

Introduced by: Representatives Koskan, Crisp, Duenwald, Duxbury, Napoli, Schaunaman, and
Windhorst and Senators Vitter, Benson, Dennert, Drake, and Halverson

1 FOR AN ACT ENTITLED, An Act to provide for the promulgation of rules governing certain
2 agency practices.

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 An interested person may petition an agency requesting that a policy, order, action, ruling,
7 or activity of the agency that is not governed by an administrative rule be promulgated as an
8 administrative rule. The petition shall describe the policy, order, action, ruling, or activity and
9 the reasons for the request. Within thirty days after receipt of a petition, the agency shall either
10 initiate the rules promulgation process to comply with the petition request or initiate a contested
11 case proceeding under the provisions of this chapter. Nothing in this Act diminishes the
12 requirements of § 1-26-1 or any other provision of law with respect to the characteristics of a
13 valid rule or an agency's obligation to promulgate rules governing agency policies, procedures,
14 requirements, or practices.