

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

667J0290

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 63** - 01/21/2004

Introduced by: Senators McCracken, Bogue, and Dennert and Representatives Hunhoff, Engels, and Smidt at the request of the Code Commission

1 FOR AN ACT ENTITLED, An Act to provide additional criteria to send a promulgated rule  
2 back for further public hearing by the agency.

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 as follows:

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. The Interim Rules Review Committee may  
7 require an agency to hold public hearings in addition to those provided for in § 1-26-4 if, in the  
8 judgment of the committee:

9 (1) The substance of the proposed rule has been significantly rewritten from the  
10 originally proposed rule which was not the result of testimony received from the  
11 public hearing;

12 (2) The proposed rule needs to be significantly rewritten in order to accomplish the intent  
13 of the agency; ~~or~~

14 (3) The proposed rule needs to be rewritten to address the recommendations or  
15 objections of the Interim Rules Review Committee;



1       (4)   The proposed rule is not a valid exercise of delegated legislative authority;

2       (5)   The proposed rule is not in proper form;

3       (6)   The notice given prior to the proposed rule's adoption was not sufficient to give  
4       adequate notice to persons likely to be affected by the proposed rule;

5       (7)   The proposed rule is not consistent with the expressed legislative intent pertaining  
6       to the specific provision of law which the proposed rule implements; or

7       (9)   The proposed rule is not a reasonable implementation of the law as it affects the  
8       convenience of the general public or persons likely affected by the proposed rule.

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