

AN ACT

ENTITLED, An Act to revise certain provisions concerning the use of the emergency rule adoption procedure.

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

Section 1. That § 41-8-1 be repealed.

Section 2. That § 52-2-8 be repealed.

Section 3. That § 1-26-5 be amended to read as follows:

1-26-5. Prior to the adoption or amendment of an emergency rule, an agency shall publish a notice of intent to adopt an emergency rule in the manner prescribed in § 1-26-4.1 and shall serve on the person specified by subdivision 1-26-4(1), each member of the Interim Rules Review Committee, and the director:

- (1) A copy of the proposed rule, which shall bear a special number to distinguish it from a permanent rule;
- (2) Any publication described in § 1-26-6.6 which shall be returned to the agency upon completion of the director's review and retained by the agency; and
- (3) A statement, with the reasons therefor, that the emergency procedure is necessary because of imminent peril to the public health, safety, or welfare, is necessary to prevent substantial unforeseen financial loss to state government, or is necessary because of the occurrence of an unforeseen event at a time when the adoption of a rule in response to such event by the emergency procedure is required to secure or protect the best interests of the state or its residents.

Any agency may use the emergency rule adoption procedure. However, no agency may use the emergency rule adoption procedure for the convenience of the agency merely to avoid the consequences for failing to timely promulgate rules.

An Act to revise certain provisions concerning the use of the emergency rule adoption procedure.

=====

I certify that the attached Act
originated in the

SENATE as Bill No. 119

Secretary of the Senate

=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 119

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this ____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State