

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

928P0696

HOUSE BILL NO. 1266

Introduced by: Representatives Hunt, Deadrick, Lust, and Thompson and Senators Hunhoff, Hundstad, and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to require standards for the exercise of delegated legislative
2 authority.

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

4 Section 1. That chapter 2-14 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Whenever a statute delegates quasi-legislative authority to an administrative agency to carry
7 out legislative objectives by promulgating an administrative rule pursuant to chapter 1-26, the
8 statute shall provide an intelligible standard to guide the agency in the exercise of the delegated
9 legislative authority. Any statute that delegates an absolute, unregulated, or undefined discretion
10 to an administrative agency is considered to be an unlawful delegation of legislative authority.

