



2024 South Dakota Legislature

Senate Bill 120

Introduced by: **Senator Otten (Herman)**

1 **An Act to provide an additional basis for the Interim Rules Review Committee to**
 2 **revert a proposed administrative rule.**

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

4 **Section 1. That § 1-26-4.7 be AMENDED:**

5 **1-26-4.7.** The Interim Rules Review Committee may require an agency to revert
 6 a proposed rule to any step in the adoption procedure provided in § 1-26-4 if, in the
 7 judgment of the committee:

- 8 (1) ~~The~~Its ~~substance of the proposed rule~~ has been significantly rewritten from ~~the~~
 9 ~~when it was~~ originally proposed ~~rule which~~ and the rewriting was not the result of
 10 testimony received from the public hearing;
- 11 (2) ~~The proposed rule~~It needs to be significantly rewritten in order to accomplish the
 12 intent of the agency;
- 13 (3) ~~The proposed rule~~It needs to be rewritten to address the recommendations or
 14 objections of the Interim Rules Review Committee;
- 15 (4) ~~The proposed rule~~It is not a valid exercise of delegated legislative authority;
- 16 (5) ~~The proposed rule~~It is not in proper form;
- 17 (6) The notice given prior to ~~the proposed rule's~~ its adoption was not sufficient to give
 18 adequate notice to persons likely to be affected by ~~the proposed rule~~ it;
- 19 (7) ~~The proposed rule~~It is not consistent with the expressed legislative intent
 20 pertaining to the specific provision of law ~~which the proposed rule implements~~ that
 21 it is intended to implement;
- 22 (8) ~~The proposed rule~~It is not a reasonable implementation of the law as it affects the
 23 convenience of the general public or persons likely affected by ~~the proposed rule~~
 24 it; ~~or~~
- 25 (9) ~~The proposed rule~~It may impose more than nominal costs upon a unit of local
 26 government or school district when the unit of local government or school district

1 may not have sufficient funding to perform the activity required by ~~the proposed~~
2 ~~rule~~ it; or
3 (10) Its substance includes a policy that is contrary to a specific action taken by the
4 Legislature.

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