

# RULES REVIEW COMMITTEE

## Study Assignment

A review of proposed state agency rules.

## Summary of Interim

The Interim Rules Review Committee continues its diligence in its oversight of executive branch agencies in the exercise of the agency's legislative authority regarding rule-making. The committee reviewed rules for the following agencies:

Department of Agriculture: Division of Ag Development, SD Value Added Finance Authority, SD Weed and Pest Control Commission, Division of Agricultural Services, State Fair; Department of Game, Fish and Parks: Hunting, Fishing, Boating, and Camping; Department of Transportation: Highway and Bridge Improvement, Speed Zones, and Overweight Vehicles; Department of Revenue: Division of Business Tax, SD Commission on Gaming, South Dakota Lottery Commission; Department of Environment and Natural Resources: Board of Water and Natural Resources, Board of Minerals and Environment; Secretary of State: Board of Finance, Board of Elections; Office of the Attorney General: Law Enforcement Officers Standards and Training Commission; Department of Education: Board of Education, State Historical Society; Department of Labor and Regulation: State Plumbing Commission, Appraiser Certification Program, Division of Insurance, SD Banking Commission, SD Real Estate Commission, SD Retirement System, Division of Unemployment Insurance, SD Public Deposit Protection Commission, Division of Securities; Department of Social Services: Economic Assistance, and Protection Services; Bureau of Administration: Office of the State Engineer; Department of Health: Board of Medical and Osteopathic Examiners, Division of Health Systems Development and Regulation, State Board of Dentistry, Board of Pharmacy, Division of Health and Medical Services, Board of Dentistry, Department of Public Safety: Drivers Licenses; Governor's Office of Economic Development: Board of Economic Development; and the Office of the State Auditor.

## Rules of Note

The name of Shannon County was changed to Oglala Lakota County effective May 1, 2015. There were approximately twenty administrative rules that were updated.

The rules to alter requirements for producers wishing to sell raw milk for human consumption and to modify standards for raw milk for human consumption were amended.

Rules were adopted to establish a Water Drainage Mediation program.

The rule to increase the postsecondary technical institute per student allocation to the level set for fiscal year 2016 by the Legislature was amended.

The grade 7-12 intermediate-level math endorsement rules were modified and as a result, the committee asked the department to monitor how many math majors do not pass the praxis exam to obtain the 7-12 math endorsement.

Rules were adopted to guide local public agencies relating to county highway and bridge improvement plans and distribution of funds.

Nine hundred pages of rules reviewed to update and create separate Articles for each health care provider currently regulated in Article 44:04, requiring the repeal or transfer and the creation of Articles 44:73 to 44:80, inclusive.

The committee improved the rules review process with the implementation of a document entitled “Rules Presentation Format”. Now each agency has a uniform format to follow when presenting their rules and the document assists the committee in finding information regarding the rules process and in developing relevant questions for meaningful oversight.

The committee and staff reviewed the statutory authority and style and form for 2,417 rules thus far. Any additional rules filed between now and December will be added to the list.

### **Listing of Legislation Adopted**

No legislation is proposed as of the date of this report.

### **Summary of Meeting Dates and Places**

The Rules Review Committee met via the Dakota Digital Network (DDN) in Pierre and at other DDN sites in the state, via teleconference, and in person on the following dates: March 13, 2015; April 20, 2015; June 8, 2015; July 20, 2015; August 17, 2015; September 21, 2015, and November 9, 2015. The Committee has tentatively set December 14, 2015, to review any rules that need to be considered before the legislative session begins.

### **Listing of Committee Members**

Committee members are – Senator Mike Vehle (Chair), Representative Timothy Johns (Vice-Chair), Representatives Peggy Gibson and Jean Hunhoff; and Senators Jim Bradford and Phyllis Heineman.

### **Listing of Staff Members**

Staff members for the committee meetings were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary.

Members of the research staff who performed the initial review for legality and style and form are – David Ortbahn, Chief of Research and Legal Services; Fred Baatz and Clare Charlson, Principal Research Analysts, Amanda Jacobs, Research Analyst, Amanda Reiss, Senior Legislative Attorney, and Roxanne Hammond, Legislative Attorney. Marge Pirnat, Senior Legislative Secretary, Rhonda Purkapile, Bill Text Editor, and Kris Schneider, Senior Legislative Secretary, updated the administrative rules data base. After 58 years of dedicated service to the State of South Dakota and the Legislative Research Council, Marge has retired. We all greatly appreciate her service and will miss her.