

MINUTES

Rules Review Committee



Representative Jon Hansen, Chair
Senator Jean Hunhoff, Vice Chair

Four hundred second meeting
Tuesday, October 26, 2021

Room 414 – State Capitol
Pierre, South Dakota

The four hundred second meeting of the Rules Review Committee was called to order by Senator Jean Hunhoff, Vice Chair, at 8:02 a.m. (CT) on October 26, 2021, via electronic conference and in Room 414 at the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members present: Representatives Ryan Cwach, Jon Hansen, Chair, and Kevin Jensen; and Senators Jean Hunhoff, Vice Chair, Troy Heinert, and Timothy Johns. Staff members present were John McCullough, Code Counsel, Kelly Thompson, Supervisor of Text Editing Services, and Hilary Carruthers, IT Support Specialist.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For continuity, these minutes are not necessarily in chronological order.

Approval of Minutes

Representative Jensen moved, seconded by Representative Hansen, that the September 13, 2021, meeting minutes be approved. Motion prevailed on a roll call vote with 5 ayes and 1 excused. Voting aye: Cwach, Hansen, Hunhoff, Jensen, and Johns. Excused: Heinert.

Staff Report

Mr. John McCullough, Code Counsel, gave a brief overview of his qualifications and work experience prior to joining the Legislative Research Council. As his first day in his new role was September 20, 2021, this is his first meeting with the Interim Rules Review Committee.

Rules Reviewed

Office of the State Auditor: Amend rules to allow secure electronic signatures in addition to original handwritten signatures on perjury statements and authorizations.

Mr. Nolan Welker, Office of the State Auditor, and **Mr. Rich Sattgast, State Auditor,** reviewed the proposed rules. Mr. Sattgast said restrictions related to the COVID-19 pandemic prompted his office to find new ways to receive and manage documents, including the use of electronic signatures.

Senator Hunhoff asked Mr. Welker to explain the proposed changes. Mr. Welker replied that the rules being presented allow for electronic signatures on perjury statements and authorizations and update the definition of what constitutes an acceptable signature.

Representative Jensen inquired as to the process that will be used to apply electronic signatures to documents. Mr. Sattgast confirmed that DocuSign and Adobe are two platforms currently being used by the Office of the State Auditor for electronic signatures. Other similar software may be added in the future.

Senator Hunhoff moved, seconded by Senator Johns, that the review of the rules proposed by the Office of the State Auditor is complete. Motion prevailed on a roll call vote with 5 ayes and 1 excused. Voting aye: Cwach, Hansen, Hunhoff, Jensen, and Johns. Excused: Heinert.

Department of Transportation: Amend rules to increase the speed limit on U.S. Highway 81 over the Missouri River in Yankton County and designate the ending point of this speed zone at the South Dakota/Nebraska border, and modify the speed limits on State Trunk Highway 34 in and around Colman.

Ms. Karla Engle, Department of Transportation, reviewed the proposed rules.

Senator Hunhoff moved, seconded by Representative Hansen, that the review of the rules proposed by the Department of Transportation is complete. Motion prevailed on a roll call vote with 5 ayes and 1 excused. Voting aye: Cwach, Hansen, Hunhoff, Jensen, and Johns. Excused: Heinert.

Department of Health: Reconsideration of certain rules, which were reverted by the Interim Rules Review Committee at its September 13, 2021, meeting, to establish the South Dakota medical cannabis program as required by [SDCL chapter 34-20G](#).

Ms. Kim Malsam-Rysdon, Secretary, and Ms. Lynne Valenti, Deputy Secretary, Department of Health, reviewed the proposed rules, which were revised following reversion by the Interim Rules Review Committee at its September 13, 2021, meeting.

Ms. Malsam-Rysdon said that of the six reverted rules, five were being presented for the committee's consideration. Those rules deal with practitioner certification for extended plant counts; limits on inhalable cannabis products; packaging of cannabis for transfer or sale; required warnings on cannabis products; and prohibited forms of advertising. In revising the rules, the department sought to allay the members' concerns regarding setting thresholds for potency levels, the role of physicians in the practitioner certification process, and safeguards against cannabis being accessed by and marketed to underage individuals. She noted that the department's efforts were aimed at ensuring that the revised rules met their goals for a safe and responsible medical cannabis program.

Public Testimony

Ms. Sarah Aker, South Dakota Association of Healthcare Organizations (SDAHO), relayed her organization's support for the revised rule concerning practitioner certification. She thanked the Department of Health for their willingness to listen to input on the rule and said SDAHO has no concerns over the proposed rule, as revised.

Representative Jensen thanked the department for making revisions that met the committee's concerns and said he appreciated the effort that went in to cleaning up the reverted rules and bringing them back for consideration.

Representative Jensen moved, seconded by Senator Johns, that the review of the rules proposed by the Department of Health is complete. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Heinert, Hunhoff, Jensen, and Johns.

Public Testimony: General Purposes

No public testimony was provided in addition to that offered on specific rules.

Adjournment

Representative Jensen moved, seconded by Representative Hansen, that the meeting be adjourned. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Heinert, Hunhoff, Jensen, and Johns.

Vice Chair Hunhoff adjourned the meeting at 8:30 a.m.