

AGENDA

Rules Review Committee



Representative Jean Hunhoff, Chair
Senator Alan Solano, Vice Chair

Three hundred seventy-sixth meeting
Tuesday
November 20, 2018

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations (available only from 2:00 to 5:00 p.m. CT):

Northern State University
1200 S. Jay Street, NSU LIB 117
Aberdeen, South Dakota

South Dakota School of Mines and Technology
501 E. St. Joseph Street, Public Room
Rapid City, South Dakota

South Dakota Department of Transportation
5136 W. 60th Street N, DDN Room
Sioux Falls, South Dakota

South Dakota Department of Transportation
1306 W. 31st Street, DDN Room
Yankton, South Dakota

Agencies are asked to have a representative present at the meeting to give background information on their rules.

9:00 a.m. CT Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Representative Hunhoff

Department of Human Services: Amend rules to reflect new federal mandates in the CHOICES waiver services program.

Department of Social Services: Board of Social Work Examiners: Establish rules for the Assistant Behavior Analyst or Paraprofessional, and amend rules for Social Workers to remove language related to licensure by equivalency; update to the most recent code of ethics; remove the fee schedule for examinations not conducted by the department; revise language for continuing education to allow more hours via online providers; and remove prior Board approval for preparation or publication of a professional social work topic or paper.

Department of Health: South Dakota Board of Podiatry Examiners: Amend rules to update language relating to continuing education requirements; remove language regarding examinations by the Board; update language for qualifications of license applicants; update language for applicants holding an out of state license; replace verbiage of certificate of registration with license; remove antiquated language relating to officers of the Board; and update to the most recent version of the Code of Ethics of the American Podiatric Medical Association.

Department of Health: South Dakota Board of Pharmacy: Amend rules to provide for an organized way of handling complaints and discipline for the Board of Pharmacy.

Department of Health: Amend rules to add newly emerging communicable diseases with public health impact to the Category II reportable diseases and condition list and clarify the methods of reporting.

Department of Labor and Regulation: South Dakota Board of Massage Therapy: Amend rules to increase annual fees from \$45 to \$65 per year and the initial license fee from \$75 to \$100 on massage therapists in South Dakota.

Representative Bartling

Department of Social Services: Amend rules to update terminology and other language to align with current practice and provide clarification; update citations; add categories of eligible providers for mental health services; clarify coverage for collateral contacts for mental health services; add child development to required orientation training for child care providers; establish a single method for the valuation of life estates for the Medicaid program; repeal duplicate rules; incorporate the reauthorized child care services block grant requirements into rule; replace annual submission of ICAPs within the CHOICES Medicaid waiver program with an ICAP submission requirement upon initiation of services as individual's needs change and every three years; and clarify annual redetermination requirements for the CHOICES waiver.

Representative Hugaard

Department of Education: South Dakota Board of Education Standards: Amend rules to remove the requirements for paraprofessional educators to obtain and renew state-issued certificates.

Department of Labor and Regulation: South Dakota State Plumbing Commission: Amend rules regulating plumbing installation practices as they relate to the 2015 SD Uniform Plumbing Code; and offset increasing expenditures to maintain operations.

Office of the Attorney General: Law Enforcement Officers Standards and Training Commission: Amend rules to authorize individuals to receive a license as a polygraph examiner by completing a course of study at a school certified by the American Association of Police Polygraphists.

12:30 p.m. CT Lunch, review of proposed rules will continue at 1:00 p.m. CT

Senator Kennedy

Department of Revenue: Amend rules to repeal obsolete rules; include language referencing electronic licensure capabilities; clarify that the on-line requirements exception pertains to manufactured home dealers; remove a reference to a department title process that was discontinued based on statutory requirements; increase a title fee to conform with the statutory increase; eliminate outdated practices and redundant rules; conform with changes in statute and comply with style and form guidelines; require title applicants to submit related federal licensure material; and combine or replace related provisions and repeal redundant chapters.

Department of Revenue: South Dakota Commission on Gaming: Modify the rules of play of a variation of Black Jack known as Triple Win 20 and allow for a bonus bet.

Senator Russell

Department of Labor and Regulation: South Dakota Board of Technical Professions: Amend rules to update terms to match recent changes made by the National Council of Architectural Registration Boards regarding education tracking, and update when a seal is required to be used by a licensee.

Bureau of Human Resources: Civil Service Commission: Amend rules to list the probationary period in terms of months employed, not hours, and detail the application of a promotional salary increase during the probationary period.

Department of Labor and Regulation: South Dakota Board of Accountancy: Amend rules to update references; add language to waive certain requirements; update definitions, program measurements, criteria and standards for continuing professional education; and repeal rules regarding the South Dakota peer review program.

Department of Labor and Regulation: South Dakota Cosmetology Commission: Amend rules to increase certain fees charged by the Cosmetology Commission, including the examination fee, examination retake fee, personal license renewal fee, instructor initial license and renewal fees, and salon or booth license renewal fees.

Senator Solano

Department of Agriculture: Amend rules to allow quarantines to be established in South Dakota to combat the spread of emerald ash borer.

Department of Agriculture: South Dakota Animal Industry Board: Amend rules to update definitions to more accurately reflect current terminology and modernize language of reference material; consolidate animal identification rules into one chapter; eliminate redundant language which is already outlined in national program guidance for disease control; update current language of reference material; allow for recognition of other state agency inspections already conducted on meat establishments; eliminate brucellosis test requirements for imported cervids and update identification language to align with federal guidance; and clarify animals subject to official testing require identification and responsibility for payment.

Department of Transportation: Amend rules to reduce a 50 miles per hour speed zone on State Trunk Highway 81 in and around Watertown to 45 miles per hour, and extend it further south on State Trunk Highway 81.

Department of Transportation: Amend rules to reduce the speed limit from 65 miles per hour to 55 miles per hour on State Trunk Highway 50 in and around Tabor.

NOTE: Public testimony will be taken beginning at approximately 2:00 p.m. CT on the following rules via DDN at the locations noted on the first page of this agenda.

Department of Game, Fish and Parks: Amend rules to adjust the hunting season end date in Sica Hollow in Unit 48A to end on May 31; increase the number of resident one-tag male turkey licenses by 55 licenses and decrease the number of resident two-tag male turkey licenses by 150 licenses for the Prairie Units; change the turkey season to end on May 31; change the end of the turkey season for certain open units to end on May 31; reduce the daily limit of pintail ducks from two to one; change the Spring Light Goose Conservation Order which currently runs for 79 consecutive days beginning the day after Unit 2 dark goose season closes to now close on May 15; adjust the white-fronted goose season from 86 days to 74 days; eliminate the use of rifles while hunting turkey; increase the daily bag limit from two to three for white-fronted geese; expand the open unit for Sandhill Crane season by moving the eastern boundary farther east, from Highway 281 to Highways 25 and 81; allow for an elk license to be made for a raffle

conducted by a nonprofit organization; introduce a new definition of a "modern cabin" that would include beds, electricity, sewer and water; establish a per night rate for a "modern cabin"; increase the rental cost of the group lodge at Shadehill State Recreation Area; and establish use fees for the amphitheater at Good Earth State Park.

Department of Game, Fish and Parks: Amend rules to restrict applicants for East River, West River, Black Hills, or Muzzleloader deer hunting seasons to submitting no more than one license application for the combined drawing for these seasons; establish a drawing structure in which applicants have to choose a preferred license in either the special buck drawing or the first combined drawing of the East River, West River, Black Hills, or Muzzleloader deer hunting seasons; allow applicants a choice to use preference points for leftover licenses in the first three combined deer drawings; allow for an elk license to be made for a raffle conducted by a nonprofit organization; eliminate the definition of "liberalized fishing" and create a definition for "possession limit"; repeal the liberalized fishing waters restriction; eliminate the license and fee requirement for game fish spearing and archery fishing; remove the closed fishing season for game fish during the spring; repeal rules regulating liberalized fishing; eliminate restrictions on waters in Codington, Hamlin, Day, Marshall, Roberts, and Lake Counties; eliminate the daily harvest restriction of 25 white bass and rock bass, and make the daily limit and possession limit unlimited for inland waters; eliminate the 15 inch minimum requirement for large and small mouth bass except on Lake Yankton and Burke Lake; eliminate or revise length limits for certain fish caught on special management waters; remove the reference to snagging being allowed as a method of take on waters where liberalized fishing rules are in place; allow for the use of a legal bow and arrow to take a paddlefish on Lake Francis Case during the established annual paddlefish snagging season; allow for the use of a legal crossbow and spear guns to take fish and expand the season to year-round; eliminate the requirement to purchase a game fish spearing and archery fishing permit and expand the areas and times in which spearing can take place; change the SD-NE boundary waters gamefish spearing and archery season from July 1 through November 30 to July 1 through December 31; allow the taking of gamefish below Gavins Point Dam on the Missouri River by spearing and archery during established season dates; expand the areas where spearing and bowfishing are prohibited to include the Lewis and Clark and Angostura marinas; add the starry stonewort to the list of plants that are considered aquatic invasive species; allow for the commercial harvest and landowner removal of certain aquatic invasive species; authorize the department secretary to allow for instances in which removal of all water from a boat would not be required prior to leaving a boat ramp parking area; and add Lake Yankton to the list of lakes designated as containment waters.

5:00 p.m. CT Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission.

PLEASE NOTE: The above times are approximate.

Members: Representative Jean Hunhoff (Chair); Senator Alan Solano (Vice Chair); Senators Craig Kennedy and Lance Russell; and Representatives Julie Bartling and Steven Haugaard.

This meeting is being held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meeting to make further arrangements.

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