

AGENDA

Interim Rules Review Committee



Senator Alan Solano, Chair
Representative Jean Hunhoff, Vice Chair

Three hundred eighty-fourth meeting
Monday
November 4, 2019

Room 414
State Capitol
Pierre, South Dakota

Agencies: Please have a representative present at the meeting to give background information on the proposed rules.

9:00 a.m. CT:

Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Senator Solano

[Department of Agriculture](#): Amend a rule to increase the feed tonnage inspection fee from two cents per ton to 10 cents per ton.

[Department of Game, Fish and Parks](#): Amend rules to:

- Insert gender neutral language and update authorities;
- Create new working definitions;
- Provide for consistent language;
- Differentiate between suspensions and revocations for licensing agents;
- Create a unified time restriction for the state park system as well as public hunting and lake access areas;
- Consolidate similar rules into one rule;
- Prohibit alcohol at Bolton Game Production Area;
- Clarify nomenclature;
- Provide clarity and eliminate unnecessary and redundant language;
- Identify specific authorities as the basis for rule;
- Authorize additional days of free entrance into state parks;
- Extend the time periods that the Mickelson Trail would be accessible;
- Repeal the requirement to tag antlers in the velvet stage; and
- Modify the start date for prohibition of baiting from August 15 to August 1.

[Department of Game, Fish and Parks](#): Amend or establish rules to:

- Extend the mountain lion hunting season dates in the Black Hills Fire Protection District from December 26 through March 31 to December 26 through April 30 and increase the number of access permits in Custer State Park;
- Allow the GFP Commission to extend the mountain lion hunting season beyond April 30 if necessary;
- Extend the Custer State Park coyote hunting season from December 26 through March 31 to December 26 through April 30 and remove the requirement to have a free access permit;
- Allow for a single importation permit from an out-of-state source to cover an entire year from their last fish health inspection;
- Specify which species of fish need to be tested for particular pathogens;
- Add spiny waterflea, round goby, and specified perch to the aquatic invasive species list;

- Add Lake Sharpe and Francis Case to the list of containment waters to help control the spread of aquatic invasive species;
- Add and update specific authority to the current rules and correct language for style and form;
- Update language for consistency purposes and to reduce redundancy of terms;
- Repeal repetitive references and unnecessary rules;
- Increase the park entrance license fees and increase the fee for having a vehicle in the park without a park entrance license;
- Increase camping fees across the state;
- Create a definition for a "tent only" campsite;
- Increase the cost of firewood from \$5.00 to \$6.00 a cubic foot;
- Identify the state's known chronic wasting disease (CWD) endemic areas at the hunting unit level for deer and elk; and
- Require hunters, wildlife processors, and taxidermists to dispose of out-of-state cervids, regardless of CWD status, and cervids harvested from a known South Dakota CWD endemic area through their waste management provider or a permitted landfill.

Department of Transportation: Amend or establish rules to:

- Expand the 35 mile-per-hour limited speed zone through Bryant;
- Shift the locations of the 45 mile-per-hour limited speed zones on the east and west ends of Bryant;
- Expand the approved routes for longer combination vehicles; and
- Allow the testing and operation of groups of individual motor vehicles traveling in a unified manner at electronically coordinated speeds and distance intervals that are closer than otherwise allowed under SDCL 32-26-40 through 32-26-42.

Representative Hunhoff

Department of Health: Amend rules to allow municipalities to regulate the practice of saline tattoo removal.

Department of Health: Amend rules to:

- Clean up existing rules; and
- Clarify the methodology for determining testing fees.

Department of Health: Amend rules to prescribe a form to be used by a physician to comply with the requirement of SDCL 34-23A-10.1(1).

Department of Health: Amend rules to:

- Reflect current practices;
- Delete unnecessary rules; and
- Increase flexibility in providing Assisted Living services.

Division of Developmental Disabilities (Department of Human Services): Amend rules to:

- Limit participants in shared living to individuals with IDD/DD age 22 and older;
- Require training for disability awareness, the participant's Individual Service Plan, and abuse, neglect, and exploitation for respite care providers and anyone over 18 years of age living in the home;
- Allow a cell phone to be used instead of requiring a landline;
- Prohibit a shared living provider from being a representative payee over a participant's money;
- Specify the staff orientation requirements of providers of case management;
- Clarify what Individual Service Plan expectations are for a participant's goals;
- Eliminate a rule concerning alternative day services;
- Add new training requirements to include focusing on the participant's needs to achieve their good life;
- Add new requirements to ISP development to include Charting the LifeCourse principles;
- Modify coordination of required actions and timeframes;
- Repeal a rule which is repetitive with DSS Medicaid rules;

- Eliminate a rule stating that no services are provided if state funds are not available;
- Change the name of Statewide Family Support to Strengthening Families Program; and
- Update the age requirement from 2-1/2 to 3 years of age for incontinence supplies.

[South Dakota Board of Nursing Facility Administrators \(Department of Health\)](#): Amend rules to:

- Update the reference to the national examination; and
- Clarify continuing education requirements.

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

Representative Cwach

[South Dakota Electrical Commission \(Department of Labor and Regulation\)](#): Amend rules to:

- Increase the fees for certain inspections; and
- Establish an allotted amount of inspections per permit type.

Representative Hansen

[Department of Environment and Natural Resources](#): Amend rules to:

- Modify the requirements to take an Operator Certification exam; and
- Clarify the requirements to renew a certificate.

Department of Social Services: Amend rules to:

- Remove duplicative language and cite federal authority; and
- Clarify process for a client to change their primary care provider.

[South Dakota Board of Minerals and Environment \(Department of Environment and Natural Resources\)](#):

Amend rules to:

- Update South Dakota's existing air quality rules by incorporating updated, codified federal regulations;
- Incorporate by reference the revised federal National Ambient Air Quality Standards; and
- Incorporate federal requirements for municipal solid waste landfills.

[South Dakota State Board of Dentistry \(Department of Health\)](#): Amend rules to:

- Incorporate the Integrated National Board Dental Examination;
- Streamline and update requirements regarding clinical competency examinations;
- Update supervision levels;
- Update the duties and procedures performed by dental assistants and registered dental assistants;
- Update registered dental assistant registration requirements and training program criteria;
- Remove redundant regulations and obsolete provisions and update references;
- Update student exemption to registration; and
- Update continuing education requirements applicable to registered dental assistants.

Senator Kennedy

[Appraiser Certification Program \(Department of Labor and Regulation\)](#): Amend rules to:

- Define appraisal in rule the same as in statute;
- Require state-registered appraisers and supervisors to jointly maintain the required experience log for accuracy;
- Remove language regarding when supervision may begin;
- Reduce the number of joint inspections required;
- Correct a cited rule;
- Establish the length of time the appraiser examination is valid;
- Adopt the new edition of the uniform standards;

- Correct the timeframe for completion of the uniform standards update course; and
- Establish criteria for instructors of the department's training course.

Department of Revenue: Repeal rules with no legislative authority and no implementation purpose in the codified laws relating to the inheritance tax.

Department of Revenue: Amend rules to:

- Establish procedures and requirements for taxpayers required by the Secretary to file a consolidated report; and
- Provide a more efficient procedure for apportionment of bank franchise tax revenue to county governments.

Division of Insurance (Department of Labor and Regulation): Amend rules to update continuing education course requirements for insurance producers.

South Dakota Lottery (Department of Revenue): Amend rules to permit an additional method of a video lottery machine determining video lottery game winners.

South Dakota Real Estate Commission (Department of Labor and Regulation): Amend rules to:

- Require team leaders to keep a current list of their team members;
- Require the responsible broker to maintain the list; and
- Make the list available upon request from the commission.

Senator Russell

Civil Service Commission (Bureau of Human Resources): Amend a rule to change a written examination from a mandatory requirement to an optional criterion during the law enforcement employment selection process.

South Dakota Board of Barber Examiners (Department of Labor and Regulation): Amend rules to:

- Update language to current nationally recognized terminology;
- Update safety and infection control requirements;
- Add blood exposure procedures; and
- Update rules that affect barber schools including instructor-to-student ratio, allow for substitute instructors, establish equipment requirements, change board approval of a school from accreditation to school license, and establish the number of hours barber students must spend in classrooms, demonstrations, and practice before performing service on a client.

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; or by downloading them at rules.sd.gov.

Members: Senator Alan Solano (Chair); Representative Jean Hunhoff (Vice Chair); Senators Craig Kennedy and Lance Russell; and Representatives Ryan Cwach and Jon Hansen.

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