



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA

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Senator Jean M. Hunhoff, Chair  
Representative R. Shawn Tornow, Vice Chair

Three hundred twenty-seventh meeting  
Wednesday  
December 19, 2012

Room 414  
State Capitol  
Pierre, South Dakota

**Other DDN Site Locations:**

Northern State University  
1200 S. Jay St., Room Lib 116  
Aberdeen, South Dakota

SD School of Mines & Technology  
501 E. St. Joseph St., Room CB 109  
Rapid City, South Dakota

University Center  
4801 N. Career Ave., Room FADM 145  
Sioux Falls, South Dakota

Department of Transportation  
1306 W. 31<sup>st</sup> St.  
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.\* Call to order, roll call, approval of minutes, staff report

Review of proposed rules

**Senator Hunhoff**

Department of Health: Board of Chiropractic Examiners – Amend rules to clarify language regarding the use of contracts; implement use of informed consent; update language in advertising and solicitation to include social media; update composition and qualifications of ethics, disciplinary and peer review committee members; repeal chapter regarding chiropractic facilities; and correct a typographical error in peer review procedure.

Department of Health: Board of Examiners in Optometry – Amend rules to clarify language on testing for licensure; remove obsolete language on examination and certification requirements to prescribe pharmaceutical agents, and on glaucoma and ocular hypertension and list of approved institutions; clarify advertising requirements; remove outdated requirements; and update clinical procedural codes.

Department of Health: Health and Medical Services – Update Tattooing and Body Piercing rules to be reflective of industry standards.

Department of Health: Health Systems Development and Regulation – Adopt rules to establish additional criteria pertaining to the authorization of additional nursing home beds within Rapid City, based on the identified need for additional beds.

### **Representative Tornow**

Board of Regents – Amend rules to allow students an opportunity to complete coursework in Career and Technical education; allow for students pursuing alternative forms of instruction to establish initial eligibility in the program; and provide eighth semester funding to students who graduate a semester early.

### **Senator Buhl**

Department of Revenue: Commission on Gaming – Amend Horse Racing rules to remove the requirement for associations to provide boxes and pits for refuse collection; require the clerk of scales to weigh in jockeys at least 45 minutes prior to the race; remove the requirement that the printer of program be licensed and be responsible for program content; remove the requirement that an owner or trainer consent for jockey to carry over two pounds overweight; allow trainers to waive apprentice allowance for selected races; remove the requirement for horses' equipment to have head numbers; remove the requirement that names of the sire and dam of a horse be listed on entry forms; repeal a rule regarding horses entered for a purse must be starters because the rule is ambiguous; eliminate stakes rules on tracks of less than one mile circumference; allow two horses owned by the same ownership to be uncoupled for wagering in daily double races; repeal restriction on daily double entries; allow the apprentice jockey weight allowance to be waived in selected areas; delete the requirement that if a South Dakota bred race is cancelled, it must be rescheduled; delete the requirement for a second drawing of horses from the also eligible list to compete in a race; increase the maximum time for close of entries on an overnight race from 72 hours to 96 hours; delete authorization for use of Meclofenamic acid; and amend Gaming rules to identify an independent contractor for slot machine manufacturing purposes; declare independent contractors exempt from licensing requirements; provide a process whereby independent contractors can be deemed suitable or unsuitable by the Commission; identify what can occur in the event the Commission deems an independent contractor unsuitable; require that agreements between licensed manufacturers and unlicensed independent contractors may be terminated under certain circumstances; set forth manufacturers' responsibilities when using unlicensed independent contractors; and define "control program" for use in independent contractors arrangements with licensed manufacturers.

Department of Revenue: Property and Special Taxes – Amend rules to update manuals to current version and ensure that the language of the rules is consistent; provide the conditions under which a county director or their deputies may transmit a notice of assessment electronically; and provide the conditions under which a county treasurer or their deputies may transmit a written tax bill, notice of delinquent property, or notice of sale of real property electronically.

## **Representative Gibson**

Department of Social Services: Division of Child Protection Services – Amend rules to define host families and reference applicable licensing provisions and specify training requirements for host family volunteers.

## **Representative Hunt**

Department of Labor and Regulation: Cosmetology Commission – Amend rules to update and clarify general rules language, reorganize the rules to make them more streamlined and easier to read, add definitions, clarify the differences between the different infection control standards, set standards for branch schools regarding equipment, safety standards, and curriculum, add language and requirements to allow for short-term substitute senior instructors, clarify prohibited equipment, add language to clarify that schools are allowed to offer students the opportunity to earn more than eight hours of credit per day, update the required text books to be used in schools, and streamline rules as to when same rules apply to both business establishments and schools.

Department of Labor and Regulation: Division of Labor and Management – Amend rules to change the name from Department of Labor to the Department of Labor and Regulation and to change the General Authority and Law Implemented citations so they correctly refer to re-numbered statutes. Two changes of substance increase the amount of unpaid employer contributions due before the Department begins collection action from \$5 to \$25 and consider participation by an unemployment benefit applicant in a Department approved reemployment services program to be "actively seeking work."

Secretary of State – Amend rules to repeal outdated provisions concerning the voter registration system and to standardize the fee schedule for purchasing a voter registration file.

Secretary of State: Board of Elections – Amend rules to implement legislation concerning the voting rights of those serving a sentence for a felony conviction; update the voter registration form; implement legislation concerning vote centers; and allow the person in charge of the election to designate the ballot face on the ballot.

## **Senator Vehle**

Department of Game, Fish and Parks – Amend Spring Wild Turkey Hunting Season rules to establish the number of licenses/tags available which will include offering residents 105 less one-tag "male turkey" and 200 less two-tag "any turkey" licenses for the Prairie Units than authorized in 2012; and offering nonresidents 16 less two-tag "any turkey" licenses for the Prairie Units than authorized in 2012; and modify spring unit boundaries for the Black Hills and Meade County (Unit 49A) to be consistent with Fall turkey unit boundaries; and amend a Uses of Parks and Public Lands' rule to allow 10 resident archery licensees to hunt at Blood Run Nature Area and 10 resident archery licenses to hunt at Adams Homestead and Nature Preserve utilizing "access permits" valid from April 6 through April 30 to be issued by lottery drawing.

Department of Game, Fish and Parks – Amend Black Hills Bighorn Sheep Hunting Season rules to establish a process for designating and issuing one bighorn sheep hunting license for auction. (These rules were sent back for additional public hearing.)

Department of Transportation – Amend Tourist-Oriented Directional Signing – on Right-of-Way rules to amend the definition of "tourist-oriented directional signing" to exclude specific reference to businesses selling seasonal agricultural products as a type of qualifying business for signage; clarify that a business must be both a tourist-oriented and a rural business, and must comply with all federal and state non-discrimination in public accommodations requirements; eliminate references to rural businesses as a separate category of qualifying businesses; clarify that a TOD sign is to be located at the intersection nearest the business; clarify the conditions under which an existing TOD sign must be removed; eliminate unnecessary verbiage; repeal the criteria for arrangement and size of signs; provide that the specifications for signing design, style, lettering, arrangement, size, and location must conform to the Manual on Uniform Traffic Control Devices; provide for the allowance of generic symbols of the business activity on TOD signing, and establish the criteria for approval of specific symbols.

Department of Transportation – Amend a Traffic Safety rule restricting parking along U.S. Highway 16 in Rapid City (Mt. Rushmore Road) to prohibit parking on either side of the highway from its intersection with Tower Road to Omaha Street.

### **Committee Discussion on Procedure**

2:30 p.m. 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.**

**Members:** Senators Angie Buhl, Jean M. Hunhoff, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and R. Shawn Tornow.

**NOTE: *Individuals 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 any necessary arrangements.***



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