



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Representative Timothy Johns, Chair
Senator Mike Vehle, Vice Chair

Three hundred thirty-seventh meeting
Tuesday
November 12, 2013

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Department of Human Services
2361 Dakota Ave. S.
Huron, South Dakota

Mitchell Technical Institute
1800 E. Spruce, Room TC 155
Mitchell, South Dakota

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

Department of Transportation
1306 W. 31st St.
Yankton, South Dakota

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

9:00 am CT Call to order, roll call, approval of minutes, and staff report
8:00 am MT

Review of proposed rules

Representative Johns

Department of Education: Board of Education – Amend Extraordinary Costs rules to revise and clarify the application, approval, distribution, and expenditure process for requesting extraordinary cost funds and reduce the number of mandatory meetings of the Extraordinary Cost Oversight Board; amend the Professional Teachers and Professional Administrators rules to remove unused definitions, change the article titles, and move the teacher performance standards rule to another article; adopt Cooperation in Education rules to set deadlines, requirements, and criteria for approval of school district consortium agreements and whole grade sharing agreements; and amend Teacher Performance Standards and Evaluation rules to update references and allow a school district to use its own process for evaluating teachers as long as certain criteria is met.

Department of Labor and Regulation: State Plumbing Commission – Amend a rule to increase the fee for residential plumbing inspections.

To be assigned by the Chair

Department of Revenue: Commission on Gaming – Amend Gaming rules to allow licensees to immediately review available surveillance or slot machine event logs in the event of a possible patron dispute; allow manufacturers to be responsible for minimum bankroll requirements and to clarify the requirement for 85 percent of immediate exposure to be in cash; add Dealer Bust 21 to the list of authorized blackjack games; recognize the Legislature's increase in wage limits passed in 2012; add Fortune Pai Gow poker to the list of authorized poker games; allow variations in the payout of the game of Texas Hold'em to include variations known as High Hold'em and Low Hold'em; define "static jackpot award"; recognize a request from industry to allow manufacturers to pay static jackpot awards; allow for static jackpot awards to be paid by annuity; allow licensees liable for payment of prizes in excess of \$100,000 to utilize minimal bankroll requirements rather than utilize cash deposits or performance bonds; allow the Commission to require performance bond for static jackpot awards; allow for licensed manufacturers to pay jackpot awards; clarify the requirements of server-supported gaming system; clarify the requirements for server-supported gaming systems; update existing rules to comply with a prior change which allows 6 to 5 payout odds in blackjack; and exempt linked progressive slot machines with a denomination of five cents or less from the requirements of surveillance coverage until the progressive award reaches \$5,000.

Department of Labor and Regulation: Division of Insurance – Amend rules to update a short term major medical advertising disclosure; update the standards for determining the hazardous financial condition of an insurer; change a cross reference; and establish standards for multiple employer trusts.

Senator Hunhoff

Department of Human Services: Division of Developmental Disabilities – Amend rules to combine all rules relating to developmental disabilities under one section to improve accessibility and ease of locating rules; repeal obsolete and unnecessary provisions; update terminology and definitions; update requirements for certification of community support providers; provide clarification regarding rights of participants; update community support provider requirements when dealing with abuse, neglect, and exploitation; update requirements for submission of critical incident reports by community support providers; clarify procedures for appeals, grievances, and rights restrictions; clarify administrative requirements for community support providers; update and clarify service standards for community support providers; update requirements of community support providers for safety, sanitation, and physical facilities; update requirements for medication administration and health care services through community support providers; include a new chapter describing the comprehensive Home and Community Based Services Medicaid waiver; update and clarify requirements of the Family Support Medicaid Waiver services as well as generally funded Family Support services; update the regulations involving Community Training services; update rules involving Respite services; and include Preadmission Screening and Resident Reviews regulations.

Department of Social Services: Board of Examiners of Psychologists – Amend rules to increase the fee for licensure renewal, repeal an obsolete provision, and update supervision requirements.

Senator Vehle

Department of Agriculture – Adopt rules to require additional labeling to dairy producers selling bottled raw milk direct to the consumer and set basic sanitary standards for the product.

Department of Agriculture: SD Value Added Finance Authority – Amend rules to make changes to the value added sub fund rules upon moving the fund from the Governor's Office of Economic Development to the Department of Agriculture; through the South Dakota Value Added Finance Authority.

Department of Game, Fish and Parks – Amend a Mountain Lion Hunting Season rule to decrease the total mountain lion harvest limit from 100 to 75 lions and the female harvest limit from 70 to 50 lions within the Black Hills Fire Protection District; and in Custer State Park increase the number of hunting intervals when dog hunting is allowed from 3 to 4 and decrease the number of hunting intervals when no dog hunting is allowed from 5 to 4, resulting in 136 mountain lion licenses issued.

Department of Game, Fish and Parks – Amend rules to add Sheps Canyon Horse Camp to the list of areas that require an equestrian campground fee and increase camping permit fees; increase the fees to reserve picnic shelters, purchase firewood, adjust the fees to use certain park facilities and authorize fees for new services and facilities; raise resident and nonresident hunting and fishing license fees; add a new section which, with certain exceptions for law enforcement and emergency personnel, would prohibit the use of external felt soled footwear including boots and waders in the waters of the state; change the statewide possession limits for all species in inland waters from two to three times the daily limit; change the possession limit for yellow perch from 15 to 30 fish on South Dakota-Minnesota boundary waters; add East and West Heritage GPS ponds to the list of waters with a 15-inch minimum length limit for largemouth and smallmouth bass and remove current walleye limits on Lake Oahe of 8 daily of which at most four can be 15 inches or longer in length, and 24 in possession, and instead apply statewide walleye harvest restrictions; modify ARSD 41:07:06:01 to include spearing of rough fish in South Dakota-Minnesota boundary waters and repeal ARSD 41:07:06:01.02 pertaining to spearing rough fish in South-Dakota-Minnesota boundary waters; modify ARSD 41:07:06:03 to remove subsection (7) which allows game fish spearing in certain waters in Eastern South Dakota, add South Island Lake and county designations for North and South Island Lakes which allows northern pike to be taken in inland waters except those managed for muskies; revise language that allows the director of the Division of Wildlife to temporarily open game fish spearing for special events areas otherwise closed to game fish spearing; modify ARSD 41:09:04:02.02 pertaining to species that may be taken as bait for commercial use to allow emerald shiners and spottail shiners to be taken and sold by any licensed resident bait dealer or sold by any licensed nonresident bait dealer; modify ARSD 41:09:04:02.04 pertaining to species that may be taken as bait for noncommercial use to allow golden shiners, emerald shiners, spottail shiners and dead gizzard shad to be transported away from the water from which they were taken to be used as bait; modify ARSD 41:09:04:03 pertaining to waters closed to the taking of bait.

Department of Transportation – Repeal Speed Limit rules in Bennett County on State Highway 73 beginning at its junction with U.S. Highway 18 north to the Bennett County line and at the Jackson-Bennett County line north to 3.0 miles north of its

junction with State Highway 44; and amend Informational, Directional Signs – On Right-of-Way rules to add definitions for "Amusement", "Attraction", "Cultural", "Historical", and "Leisure" in accordance with legislation authorizing attractions as a qualifying type of business service for motorists eligible for informational, directional signage; add "attractions" to provisions directing the location of sign panels; repeal rules that establish criteria for the location and spacing of panels at interchanges and intersections; repeal a rule establishing criteria for the location and spacing of supplemental panels; clarify the maximum number of allowable signs; establishing the location of supplemental panels is being amended to include panels for "attractions"; clarify that the business is allowed signage only at the closest intersection or interchange; amend the number of allowable panels to a maximum of 4 at an intersection or interchange approach, and add "attractions" as a business category; establish the order of priority if the number of services for motorist types exceed the number of panels and supplemental panels allowed; add "attractions" as a type of business category allowed on panels and supplemental panels; reference the established national standard for the sheeting requirements, and add a new subsection limiting the number of symbols and business names on a business sign; repeal the requirement for a public access telephone; require the business to be open for 4 consecutive months of the year instead of May 1 to September 30; repeal the requirement that businesses providing gasoline also offer tire repair, oil and potable water; reduce from 3 to 2 the number of daily meals that must be provided by businesses providing food services; and require attractions to have drinking water and modern sanitary facilities; add that there is no application fee for trailblazing signs, and repeal the priority given food service businesses that provide the most services; the annual rental fee for business signs is being amended to include trailblazing signs located on a state highway; clarify that the department will install and remove signs on interstate and state highways; clarify when a business sign owner must notify the department of the suspension of the business operation; establish criteria for the allowance and location of trailblazing signs on a state highway; establish the requirements for the furnishing, repairing, installation and removal of trailblazing signs; and amend Business Signs size specifications.

Representative Gibson

Department of Environment and Natural Resources: Board of Water and Natural Resources – Amend a rule to make adjustments to the director areas of the South Central Water Development District.

4:00 pm 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.

Members: Senators Angie Buhl O'Donnell, Jean M. Hunhoff, and Mike Vehle; and Representatives Peggy Gibson, Anne Hajek, and Timothy Johns.

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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