



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Revised 6-1-04

Senator Royal "Mac" McCracken, Chair
Representative Jean M. Hunhoff, Vice Chair

Two hundred forty-ninth meeting
Thursday
June 3, 2004

Room 413
State Capitol
Pierre, 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

9:10 a.m. Review of proposed rules

Senator Dennert

Department of Social Services: Economic Assistance - Amend rules to increase the payment standards for TANF households and reduce the maximum period of ineligibility when an applicant refuses to accept employment or additional hours of employment, terminates employment, or reduces hours of employment without good cause within the 60 days preceding the date of application.

Senator McCracken

Department of Revenue and Regulations: Division of Securities - Adopt and amend rules to comply with the adoption of the new Uniform Securities Act 2002, chapter 47-31B.

Department of Agriculture: Division of Agricultural Services - Update rules to meet the 2003 Pasteurized Milk Ordinance.

Department of Agriculture: Division of Agricultural Services - Update manufacturing grade rules pertaining to the production of milk and milk products.

Department of Agriculture: Division of Agricultural Services - Update rules regarding the quarantine against Karnal bunt, a wheat disease.

Department of Agriculture: Division of Agricultural Services - Update the noxious weed list.

Department of Transportation - Extend a 30 mph speed zone in Marshall County to reduce speeds along State Highway 27 at the south edge of Britton.

Representative Hunhoff

Department of Health - Amend rules regarding the Children's Special Health Services.

Senator Bogue

Board of Regents - Adopt rules to implement the South Dakota Opportunity Scholarship program.

Department of Education: Board of Education - Amend rules to give the department the authority to grant endorsement level approval, rather than individual universities; allow students with a previous content specific major to take additional coursework in pedagogy to complete their education degrees and pass a content exam to verify their content knowledge; revise the rules so they are content standards based and allow preparing institutions the flexibility to vary their courses to meet the content standards; and allow principals to obtain preschool-12 certification.

10:50 a.m. Break

Senator Dennert

Department of Revenue and Regulation - Clarify definition of permanent foundation for manufactured homes; and change when the contractors' excise tax applies to manufactured buildings.

Representative Engels

Department of Health: Board of Funeral Services - Amend rules regarding contested cases concerning license suspension or revocation matters; clarify certain definitions; broaden the prohibition against false listing and false advertising by limiting the use of the advertising phrase "locally owned and operated"; clarifying all funeral services contract requirements; adding circumstances under which an unembalmed body may be kept for a period greater than 24 hours; updating the traineeship procedures and requirements; updating the license application and examination process; impose costs and fees associated with certain inspections; insert a requirement as to when all crematories shall be opened for inspection; clarify refrigeration requirements; and delete redundant and outdated rules and statutory citations.

Department of Labor: Board of Technical Professions - Amend rules that will make it possible to use applications interactive over the internet, update references, change definitions, allow test vendors, permit students with five semesters of engineering to take the FE exam, provide for licensees to reactivate and reinstate, retake land surveying exam, add rules for fire alarm systems, and clarify expectations from licensees on exempt projects.

Secretary of State: Board of Finance - Amend rules to make the reimbursement rate for motor vehicle transportation the same for an automobile, motorcycle, pick-up truck, cargo or passenger van, or sport utility vehicle and to increase the reimbursement rates allowed for State of South Dakota employee and officer use of privately-owned motor vehicles while on official business outside the city limits of the person's designated post of duty.

Representative Smidt

Department of Corrections - Amend rules to modernize the Parole Service's procedures and the release date calculation operational procedures.

Department of Corrections: Board of Pardons and Paroles - Amend rules to modernize the Parole Board's operational procedures.

Committee Discussion

Finalize Small Business Impact Statement **(See Attached)**

12:20 p.m. Adjourn

NOTE: To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

Members: Senator Royal "Mac" McCracken, Chair; Representative Jean M. Hunhoff, Vice-Chair; Senators Eric H. Bogue and H. Paul Dennert; and Representatives Richard H. Engels and Orville B. Smidt.

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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FORM 24
SMALL BUSINESS IMPACT STATEMENT FORM
See SDCL 1-26-2.1

NOTE: This form must be signed by either the head of the agency or the presiding officer of the board or commission empowered to adopt the rules. Check your statutes to see who is authorized to promulgate rules. A small business is defined as any business with 25 or fewer full-time employees. When a set of rules is proposed, a general summary shall be provided; each proposed rule amendment shall also be explained thoroughly. In the case of a large set of proposed rules which all have a single purpose and impact, one explanation is sufficient. The law makes it clear that agencies or commissions shall use readily available information and existing resources to prepare the impact statement.

1. Our agency has determined that the rule/s we are proposing have the following type of impact on small businesses:
 - Direct impact (*please complete remainder of form*)
 - Indirect impact (*please provide a brief explanation, then sign, date, and submit form. Questions 2 through 8 do not need to be answered*)

2. A general narrative and overview of the effect of the rule(s) on small business - written in plain, easy to read language:

3. What is the basis for the enactment of the rules(s)?
 - Required to meet changes in federal law
 - Required to meet changes in state law
 - Required solely due to changes in date (i.e. must be changed annually)Other: _____

4. Why is the rule(s) needed?

5. What small businesses or types of small businesses would be subject to the rule?

6. Estimate the number of small businesses that would be subject to the rule.
 - 1-99 100-499 500-999 1,000-4,999 More than 5,000
 - Unknown - please explain _____

7. Are small businesses required to file or maintain any reports or records under this rule?
 - Yes No
 - a. If "yes", how many reports must a small business submit to the state on an annual basis?
 - b. If "yes", how much ongoing recordkeeping within the business is necessary?
 - c. If "yes", what type of professional skills would be necessary to prepare the reports or records?
 - The average owner of a small business should be able to complete the reports and/or records with no assistance
 - It is likely that a bookkeeper for a small business should be able to complete the reports and/or records
 - It is likely that a small business person would need the assistance of a CPA to complete the reports and/or records
 - It is likely that a small business person would need the assistance of an attorney to complete the reports and/or records
 - Other _____
 - Unknown - please explain _____

8. Are there any less intrusive or less costly methods to achieve the purpose of the rule (i.e. fewer reports, less record keeping, lower penalties)?
 - No - please explain _____
 - Yes - please explain _____

Dated

Authorized Signature

Name of Agency