



Legislative Research Council

RULES REVIEW COMMITTEE MINUTES

**Three hundred thirty-sixth meeting
Tuesday
September 17, 2013**

**Room 414
State Capitol
Pierre, South Dakota**

The three hundred thirty-sixth meeting of the Rules Review Committee was called to order by Chair Representative Timothy Johns at 9:02 a.m. CT, on September 17, 2013, in Room 414 at the State Capitol, Pierre, South Dakota and via the Digital Dakota Network (DDN) at the following locations: Department of Human Services, 2361 Dakota Ave. S., Huron, South Dakota; South Dakota School of Mines and 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; and the Department of Transportation, 1306 W. 31st St., Yankton, South Dakota.

A quorum was determined with the following members answering the roll call: Senator Jean Hunhoff; Representatives Peggy Gibson, Anne Hajek and Timothy Johns (Chair). Senators Angie Buhl O'Donnell and Mike Vehle (Vice Chair) were excused. Staff members present were Doug Decker, Code Counsel, and Kris Schneider, Senior Legislative Secretary.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For the purpose of continuity, these minutes are not necessarily in chronological order. This meeting was recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas."

Approval of Minutes

Representative Gibson moved, seconded by Representative Hajek, that the minutes of the August 20, 2013, meeting be approved. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hajek, Hunhoff, and Johns. Members excused: Buhl O'Donnell and Vehle.

Rules Reviewed

Department of Transportation – Amend Speed Zone rules in Pennington, Butte, Custer, Harding, and Meade Counties.

Mr. Bill Nevin reviewed the proposed rules.

Representative Gibson moved, seconded by Representative Hajek, that the review of the rules proposed by the Department of Transportation is complete. Motion prevailed on a roll

call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hajek, Hunhoff, and Johns. Members excused: Buhl O'Donnell and Vehle.

Department of Revenue: South Dakota Lottery Commission – Adopt the Powerball Game Rules and the Power Play rules of the Powerball game, the Wild Card Game Rules, the Hot Lotto Game Rules, and the Mega Millions Game Rules and the Megaplier promotion special game rules of the Mega Millions game, as last amended by each of the respective Product Game Groups of the Multi-State Lottery Association ("MUSL"), as the rules of the South Dakota Lottery for said games.

Mr. Norman Lingle and **Mr. Joe Willingham** reviewed the proposed rules.

Representative Hajek moved, seconded by Senator Hunhoff, that the review of the rules proposed by the Department of Revenue: South Dakota Lottery Commission is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hajek, Hunhoff, and Johns. Members excused: Buhl O'Donnell and Vehle.

Department of Environment and Natural Resources: Board of Minerals and Environment – Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2010 through June 30, 2012. Changes include establishing procedures for identifying and managing certain hazardous secondary materials destined for recycling, and making technical and typographical corrections to the federal rules.

Ms. Carrie Jacobson reviewed the proposed rules.

Representative Hajek moved, seconded by Representative Johns, that the review of the rules proposed by the Department of Environment and Natural Resources: Board of Minerals and Environment is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hajek, Hunhoff, and Johns. Members excused: Buhl O'Donnell and Vehle.

Department of Social Services: Board of Addiction and Prevention Professionals – Amend rules to update terminology; update internal references; provide for a licensure option and establish the requirements and criteria for licensure; combine and modify current certification levels and tracks into one designation; outline processes for obtaining and renewing recognition, certification, and licensure; repeal obsolete and unnecessary provisions; specify application deadlines; outline practices for application review and grounds for denial of application; update fees; update academic and work experience requirements; provide a grandfather provision for current practitioners; clarify approval process for specialized education courses; outline qualifications for independent practice; update clinical supervision standards; eliminate oral interview requirement; update examination and retesting requirements; clarify continuing professional training requirements and related documentation requirements; add a reinstatement period; revise status upgrade provisions; clarify reciprocity provisions; modify acronyms and certification requirements to correspond

with the International Certification & Reciprocity Consortium (IC&RC); and clarify complaint and investigation procedures.

Ms. Diane Sevening, Vice President of the Board of Addiction and Prevention Professionals, reviewed the proposed rules.

It was noted that two changes would be made to the rules before filing in the Secretary of State's office. On page 87, ARSD 20:80:01:01 (10) "Community" will be deleted from the name of the division. The division will be referred to as the Division of Behavioral Health. On page 108, ARSD 20:80:04:04 (1) which refers to "demographic information" will be deleted and the subsections renumbered. In response to a question if these changes could be made, Mr. Decker responded that they were both apparent errors, not substantive and could be corrected before filing.

Public Testimony

Mr. Terry Dosch, Pierre, Executive Director of the South Dakota Counsel of Substance Abuse Directors, spoke in support of the proposed rules.

Representative Johns moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Social Services: Board of Addiction and Prevention Professionals is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hajek, Hunhoff, and Johns. Members excused: Buhl O'Donnell and Vehle.

Department of Public Safety – Amend a rule to further define unprofessional or dishonorable conduct for purposes of emergency medical technician-basic licensure. (ARSD 44:05:01:02 - This rule was reverted back to a prior step at the August 20th Interim Rules Review Committee Meeting.)

Ms. Howell stated that the proposed rule had been rewritten and "or driving under the influence" had been deleted.

Representative Johns moved, seconded by Representative Gibson, that the review of the rule proposed by the Department of Public Safety is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hajek, Hunhoff, and Johns. Members excused: Buhl O'Donnell and Vehle.

Next Meeting

The next meeting of the Interim Rules Review Committee will be on Tuesday, November 12, 2013.

Adjournment

Representative Gibson moved, seconded by Representative Hajek, that the meeting be adjourned. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hajek, Hunhoff, and Johns. Members excused: Buhl O'Donnell and Vehle.

Chair Johns adjourned the meeting at 10:00 a.m.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).