

# AGENDA *Revised 9/11/2020*

## Interim Rules Review Committee



Representative Jean Hunhoff, Chair  
Senator Lance Russell, Vice Chair

Three hundred ninety-second meeting  
Tuesday  
September 15, 2020

Room 414  
State Capitol  
Pierre, South Dakota

*Due to the current public health concerns with COVID-19, this meeting is being conducted by electronic conference and individuals are encouraged to participate remotely. In-person attendees should be spaced at least six feet apart and are encouraged to wear cloth face coverings.*

***Those wishing to testify must register by September 11, 2020,  
by email to [Kelly.Thompson@sdlegislature.gov](mailto:Kelly.Thompson@sdlegislature.gov).***

*Testifiers should provide their full names, whom they are representing, city of residence, which proposed rules they will be addressing, whether they are a proponent or opponent, and if they will be testifying remotely or in person.*

9:00 a.m. CT:

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

Review of proposed rules

### **Senator Russell**

**[Board of Elections \(Office of the Secretary of State\)](#)**: Amend rules to:

- Update certain nominating petitions to provide consistency to address and date formats;
- Revise petition forms for statewide initiated measure, constitutional amendment, and referendum petitions to include a circulator identification number for paid circulators;
- Repeal rule and references to direct recording electronic voting machines;
- Revise requirements for voter registration affidavits;
- Clarify the allowable format for recapitulation sheets;
- Update the standards used for approval of automatic tabulating systems;
- Revise the process for acceptance of petitions for municipal elections; and
- Update the absentee ballot application form with a delayed implementation date of December 1, 2020.

**[Division of Labor and Management \(Department of Labor and Regulation\)](#)**: Amend rules to update references on relative values and allow a party to have a case dismissed for lack of prosecution without prejudice.

### **Representative Hunhoff**

**[South Dakota Board of Chiropractic Examiners \(Department of Health\)](#)**: Amend rules to:

- Clarify and update verbiage;
- Remove unnecessary and redundant regulations;
- Combine disciplinary action into one section for all chiropractic professions regulated;

- Update Code of Ethics;
- Clarify continuing education requirements;
- Update eligibility requirements for chiropractic assistants and chiropractic radiographers; and
- Reduce the renewal fee for active chiropractic licenses.

**South Dakota Board of Examiners for Counselors and Marriage and Family Therapists (Department of Social Services):** Amend rules to:

- Change the timeline for renewal of licensees to a biennial renewal;
- Clarify the application process and qualifications for a professional counselor, professional counselor-mental health, and marriage and family therapist;
- Clarify the requirements for licensure by endorsement for professional counselors, professional counselors-mental health, and marriage and family therapists licensed in another state;
- Provide a temporary license option for professional counselors, professional counselors-mental health, and marriage and family therapists licensed in another state who do not immediately meet the examination requirements for licensure by endorsement;
- Provide an option to inactivate a license or reinstate an expired license under certain circumstances;
- Establish standards for the practice of counseling and marriage and family therapy by electronic means;
- Update and clarify the requirements for post-graduate supervision;
- Update and clarify the requirements for continuing education to renew a license;
- Set the necessary fees for biennial renewal and the license options provided for in Senate Bills 18 and 19; and
- Recognize the current chapters pertaining to professional counseling, professional counseling-mental health, and marriage and family therapy to be user friendly for licensees and prospective licensees and clearly articulate the requirements for licensure and the expectations of licensees.

**South Dakota Board of Examiners of Psychologists (Department of Social Services):** Update certain rules to:

- Update the code of ethics to the most recent version; and
- Add a new chapter that sets a minimum continuing education requirement, defines a continuing education unit, provides guidance on courses eligible for continuing education credit and documentation needed for continuing education, and provides for an exception to the requirements where applicable.

**South Dakota Board of Pharmacy (Department of Health):** Amend rules to update and clean up rules regulating pharmacists, interns, technicians, and pharmacies.

**Representative Cwach**

**Law Enforcement Officers Standards and Training Commission (Office of the Attorney General):** Amend rules to:

- Amend the requirements for certification or employment as a law enforcement officer;
- Require certain training requirements for reciprocity applicants seeking a waiver of the training program and require a written examination to determine the applicant's state of competence;
- Establish the time period in which an individual may request reinstatement as a law enforcement officer;
- Establish the time period in which a canine team may apply for reinstatement;
- Establish when a school sentinel's certification becomes inactive and when it expires;
- Amend the requirements for certification or employment as a 911 telecommunicator; and

- Provide that an individual failing to successfully complete the training program may be reinstated in a future basic training program.

**South Dakota Board of Technical Education (Department of Education)**: Amend rules to update and clarify language related to the South Dakota Board of Technical Education's set-aside funds, formula for funding, and "technical institute" to "technical college" name change.

### **Representative Hansen**

**Department of Social Services**: Amend rules to:

- Update to the most recent version of coding manuals;
- Update to reflect a change in federal regulations that allows other licensed practitioners to order home health services and medical equipment;
- Clarify coverage for medically necessary services with no transportation provided by a ground ambulance;
- Clarify third-party liability and align with the federal Bipartisan Budget Act of 2018;
- Update primary care provider program requirements; and
- Clarify language throughout.

### **Senator Kennedy**

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

- Repeal the replacement of license and the displaying of license;
- Repeal qualifications for an auctioneer's license; and
- Update the definitions regarding campground space.

### **Senator Sutton**

**Department of Game, Fish and Parks**: Amend rules to:

- Create a new subcategory of bag limit known as the "three splash rule";
- Lower the special nonresident hunting license fee and remove the inclusion of the migratory board certification permit;
- Increase resident one-tag "male turkey" licenses in the Prairie Unit;
- Add Clark County to Unit PST-32A;
- Remove Douglas County from Unit PST-17A;
- Create a Unit and add Aurora and Douglas Counties;
- Add Buffalo County to Unit PST-13A;
- Add Beadle and Hand Counties to Unit PST-40A;
- Increase the number of permits available for spring turkey hunting on Adams Homestead and Nature Preserve;
- Create a number of permits for mentored turkey access on Adams Homestead and Nature Preserve;
- Move the starting time for the first week of the pheasant hunting season (resident only and statewide) from 12:00 p.m. to 10:00 a.m. and extend the hunting season to January 31;
- Allow for an unrestricted take of pheasants on a private shooting preserve if the correct license is obtained;
- Move the drawing of the raffle elk license from 120 days prior to the Custer State Park rifle elk season to no later than July 15;
- Create a unified bobcat trapping and hunting season across the state from December 15 through February 15 and expand it to include all counties in the state;
- Expand the location on the Missouri River where gamefish may be speared to include from the Nebraska - South Dakota border up to Fort Randall Dam, May 1 through March 31;

- Require safety signage in association with the operation of aeration systems during periods of ice cover with open public access;
- Implement the statutory changes approved by the passage of House Bill 1033 by the 2020 Legislature;
- Repeal the rule that establishes boat registries for AIS;
- Remove the exception for decontamination for boats that are part of a local boat registry;
- Make any water body that has been found to contain zebra mussel an infested water and require decontamination requirements;
- Create an exemption for the possession of AIS for owners of a conveyance if they are transporting it for purpose of decontamination;
- Create an "electric motors only zone" on Bismarck and Canyon Lakes;
- Change the daily possession limit for trout on the South Dakota - Nebraska boundary waters from seven to five; and
- Allow youth who possess a mentored archery spring turkey permit for Adams Homestead and Nature Preserve to have an uncased bow.

**Department of Transportation:** Amend rules to:

- Eliminate outdated references;
- Clarify language; and
- Repeal rules regarding aerial applicators, structures affecting aviation, registration of aircraft, and pilot and airport employee identification.

**Department of Transportation:** Amend rules governing:

- The qualification of prospective bidders on highway construction contracts;
- The rejection of bid proposals;
- The award of contracts; and
- The process for disqualifying bidders.

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](http://rules.sd.gov).

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

This meeting is being held in a physically accessible location. Any individual 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 further arrangements. All committee agendas, minutes, and audio are available on the LRC website: <http://www.sdlegislature.gov>. Live committee audio is provided by South Dakota Public Broadcasting and is also available at <http://www.sd.net>. You may subscribe to electronic delivery of agendas and minutes at My LRC on the LRC website.