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. 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.

**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/](http://www.sdlegislature.gov/). Live committee audio is provided by South Dakota Public Broadcasting and is also available at [http://www.sd.net](http://www.sd.net). You may subscribe to electronic delivery of agendas and minutes at My LRC on the LRC website.