

MINUTES

Rules Review Committee



Representative Jean Hunhoff, Chair
Senator Lance Russell, Vice Chair

Three hundred ninetieth meeting
Tuesday
July 14, 2020

Room 414
State Capitol
Pierre, South Dakota

The three hundred ninetieth meeting of the Rules Review Committee was called to order by Representative Jean Hunhoff, Chair, at 10:03 a.m. (CT) on July 14, 2020, via electronic conference and in Room 414 at the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members present: Representatives Ryan Cwach, Jon Hansen, and Jean Hunhoff, Chair; and Senators Craig Kennedy, Lance Russell, Vice Chair, and Margaret Sutton. Staff members present were Anita Thomas, Principal Legislative Attorney, Kelly Thompson, Senior Legislative Secretary, and Hilary Carruthers, IT Support Specialist.

All material distributed at the meeting is attached to the original minutes on file in the Legislative Research Council (LRC). For continuity, these minutes are not necessarily in chronological order.

Approval of Minutes

Senator Russell moved, seconded by Representative Hansen, that the June 9, 2020, meeting minutes be approved. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Hunhoff, Kennedy, Russell, and Sutton.

Rules Reviewed

South Dakota State Board of Dentistry (Department of Health): Amend rules to:

- Update clinical competency examination requirements due to the COVID-19 impact;
- Update radiography administrative rules, training programs, and registration requirements;
- Remove redundant regulations and obsolete provisions; and
- Update references.

Ms. Brittany Novotny, South Dakota State Board of Dentistry, reviewed the proposed rules.

Representative Hunhoff asked if the dental radiation program was a formal program or something a dentist could conduct within their own practice. Ms. Novotny confirmed it is a formal program held through technical institutes and national platforms.

Ms. Novotny also told committee members that an Executive Order signed by Governor Noem made it possible to issue to dental school graduates temporary licenses that are effective until November of this year. Students taking mannequin examinations this summer could receive permanent licenses after completing the examinations.

Senator Kennedy moved, seconded by Senator Russell, that the review of the rules proposed by the South Dakota State Board of Dentistry (Department of Health) is complete. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Hunhoff, Kennedy, Russell, and Sutton.

South Dakota Board of Barber Examiners (Department of Labor and Regulation): Amend rules to:

- Update and establish rules regarding barber schools including initial approval of barber schools, school equipment requirements, and inspections of schools;
- Clarify requirements for annual renewal of school licenses;
- Update educational material requirements regarding textbooks and student tool kits;
- Establish curriculum requirements for classroom education;
- Allow for distance learning;
- Set maximum number of hours a licensed cosmetologist, nail technician, or esthetician may be granted credit for related hours and curriculum when seeking to attend barber school to become licensed as a barber;
- Allow credit for hours from other institutions for individuals seeking barber education;
- Update instructor requirements for initial licensure;
- Establish instructor requirements and responsibilities; and
- Set requirements for student barber practice.

Ms. Kate Boyd, South Dakota Board of Barber Examiners, reviewed the proposed rules.

Representative Hunhoff asked how long it has been since South Dakota had a barber college and if there would be additional costs to inspect the college and the resulting shops that will be opened by its graduates. Ms. Boyd replied the state has not had a barber college for more than 30 years and the number of barbers in South Dakota has declined rapidly, with a current rate of about 150 to 160 barbers. Barber shops are inspected by the members of the South Dakota Board of Barber Examiners who will also inspect the college.

Representative Hunhoff moved, seconded by Representative Hansen, that the review of the rules proposed by the South Dakota Board of Barber Examiners (Department of Labor and Regulation) is complete. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Hunhoff, Kennedy, Russell, and Sutton.

South Dakota Cosmetology Commission (Department of Labor and Regulation): Amend rules to:

- Remove reference to the date fee increases become effective;
- Remove the requirement to provide proof of high school graduation for licensure;
- Revise the number of hours reciprocity applicants can earn through work experience;
- Remove the requirement to have all foreign documentation evaluated by a professional evaluation organization;
- Revise the number of hours foreign-educated applicants must complete in a commission-approved school;
- Remove the requirement for reciprocity applicants to take a hands-on practical examination;
- Reference the blood exposure rules in the rule that requires postings in or near the first aid kit; and

- Establish a rule to allow acceptance of related coursework completed at an institution not teaching the practices of cosmetology, nail technology, or esthetics.

Ms. Kate Boyd, South Dakota Cosmetology Commission, reviewed the proposed rules.

Representative Hunhoff asked if national guidelines are used to determine reciprocity standards. Ms. Boyd responded that education requirements differ from state to state and South Dakota is one of a few states requiring a substantially higher number of hours. A national competency examination is being developed that will help to resolve the reciprocity issue for states that elect to accept the examination.

Representative Hunhoff moved, seconded by Representative Hansen, that the review of the rules proposed by the South Dakota Cosmetology Commission (Department of Labor and Regulation) is complete. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Hunhoff, Kennedy, Russell, and Sutton.

Department of Transportation: Amend rules to:

- Lengthen the 45 miles per hour speed limit zone on State Trunk Highway 44 in Parkston; and
- Reduce speed limits on certain highways in specific communities when traffic is passing a school during a school recess or while children are going to or leaving school during its opening or closing hours including State Trunk Highway 37 in Groton; State Trunk Highway 127 in Rosholt; U.S. Highway 14 in DeSmet, Lake Preston, and Miller; State Trunk Highway 47 in Highmore; State Trunk Highway 247 in Roscoe; U.S. Highway 212 in Belle Fourche, Faulkton, and Newell; U.S. Highway 12 in Lemmon; U.S. Highways 16 and 16B in Hill City; State Trunk Highway 40 in Hermosa; State Trunk Highway 240 in Wall; U.S. Highway 18 in Hot Springs; Interstate Highway 90 service road in Summerset; State Trunk Highway 11 in Brandon; State Trunk Highway 38 in Hartford; State Trunk Highway 37P in Springfield; State Trunk Highway 46 in Wagner; State Trunk Highway 25 in Scotland; State Trunk Highway 34 in Woonsocket; U.S. Highway 81 in Salem; State Trunk Highway 73 in Philip; State Trunk Highway 20 in Hoven; State Trunk Highway 1804 in Mobridge; U.S. Highway 83 in Fort Pierre and Herreid; and State Trunk Highway 63 in McLaughlin.

Ms. Karla Engle, Department of Transportation, reviewed the proposed rules.

Representative Hunhoff moved, seconded by Representative Hansen, that the review of the rules proposed by the Department of Transportation is complete. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Hunhoff, Kennedy, Russell, and Sutton.

Closing Comments

Representative Hunhoff noted that while today's meeting was likely the shortest ever held by the committee, the August meeting will be longer. Currently eight rules packets will be on the agenda for August 18, 2020.

Adjournment

Senator Russell moved, seconded by Representative Hansen, that the meeting be adjourned. Motion prevailed on a roll call vote with 6 ayes. Voting aye: Cwach, Hansen, Hunhoff, Kennedy, Russell, and Sutton.

Chair Hunhoff adjourned the meeting at 10:45 a.m.