



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Senator Jean M. Hunhoff, Chair
Representative R. Shawn Tornow, Vice Chair

Three hundred thirteenth meeting
Tuesday
May 10, 2011

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

Review of proposed rules

Senator Hunhoff

Department of Health: Board of Pharmacy – Adopt Prescription Drug Monitoring Program rules to establish requirements for a data base of controlled substance prescriptions dispensed to South Dakota residents.

Representative Tornow

Department of Labor: South Dakota Electrical Commission – Amend rules to adopt the 2011 National Electrical Code (the "2011 NEC"); define terms; determine the passing examination score for a Class B Electrician; clarify the terminology for an application for licensure; remove the terminology of "industrial"; clarify the standards and documentation required to attain levels of licensure; implement rule allowing for the recovery of costs; removal of 30 days grace period in regards to reinstatement fee for lapsed licenses; document the changes to allowable continuing education courses and the number of hours allowed; removal of requirement to print courses in newsletter; addition of the word "calculated" when considering the requirement for a permit; address fee administration for wiring permits and inspections; document the inspection notification process; clarify the state license required to attain a municipal license; repealing of a rule requiring ground fault circuit interrupter near wash basins as it is required in the 2011 NEC; and addressing an incorrect reference as to the permit requirement for cogeneration systems

Senator Buhl

Department of Labor and Regulation: Division of Insurance – Amend rules to require agents to complete application and replacement forms for Medicare supplement insurance; change the time extension associated with continuing education requirements; require agents to complete application and replacement forms for long term care policies; change a cross reference in the law implemented relating to disclosure requirements for limited benefit health insurance plans; adopt standards requiring parity between medical/surgical benefits and mental health or substance use disorder benefits in connection with a group health plan; require reports, set standards for determinations of disproportionate share, and clarify underwriting practices for health insurance issued to persons under the age of 19.

Department of Revenue: South Dakota Lottery Commission – Amend Video Lottery Requirements rules to allow the Lottery to collect the new machine license fee during one of the two monthly billing periods rather than once a month; allow for various types of communication between the video lottery machines in establishments and the central computer system; all operators to maintain audit information, including duplicates of tickets, in an electronic or paper format and identify the audit information that must be retained; allow the Lottery to provide operators billing statements by other means than just mail; allow manufacturers and Type II technicians, pursuant to a certain protocol, to clear electronic accounting meters after notice to the Lottery; allow the Lottery to use discretion on whether to require manufacturers to submit various documents during the video lottery machine and associated equipment testing and approval process; allow video lottery machines to maintain copies of tickets in either a paper format within the machine or in an electronic format on a self contained internal or external median; allow a "symbol" to be used in approved video lottery games and require randomness testing concerning their use; make it optional for a game to offer a player the chance to select numbers or symbols, require that all lines are clearly identified when playing additional lines bought into play by wagering additional credits and allow other specified shapes to be a winning combination other than a vertical, horizontal, or diagonal line; require hard meter readings of a machine before moving it between locations in the state or shipping a machine out of state; repeal a requirement that certain individuals become Type I or Type II technicians by November 15, 1995; and require that software access points on video lottery machines be sealed after initial inspection.

Public Utilities Commission – Amend rules to determine telecommunications switched access rates charged by competitive local exchange carrier charges. (*This is reconsideration of the rules that were sent back for additional comments.*)

Representative Gibson

Department of Social Services: Child Protection Services – Amend rules to repeal obsolete rules, remove obsolete references, update terminology, clarify confidentiality policy, align regulations associated with adoption petitions with current statutory requirements, update and clarify standards related to adoption, foster care, and alternative care, remove certain reporting requirements for adoptive parents, provide for the suspension of an adoption subsidy under certain circumstances, clarify the definition

and scope of child protective services, update the composition of the permanency planning review team, outline dispositional hearing requirements and amend the timeframe in which such hearings are held, provide notification of an adoptive applicant's right to a fair hearing, and require annual updates on adoptive home studies.

Representative Hunt

Department of Labor and Regulation: South Dakota Retirement System -- Amend rules to clarify a "reentry" into the System for purposes of redeposit; explain the application of member "years of service" after a participating unit is privatized; establish when a retired member may choose to alter the member's choice of annuity options; set out a refunding member's rollover options; clarify a member's ability to continue the additional survivor protection program; and adopt the federal "reasonable and good faith" safe harbor for distributions from SDRS programs.

Department of Public Safety: Office of the State Fire Marshal -- Amend rules to adopt the 2009 edition of the International Building, Fire, and Mechanical Codes as the fire safety standards for the Department of Public Safety.

Senator Vehle

Department of Agriculture: South Dakota Weed and Pest Control Commission -- Amend a rule to add flowering rush to the local noxious weed and declared pest list.

Department of Game, Fish and Parks -- Amend a Uses of Parks and Public Lands rule to remove the requirement that the shooting range on the Rollings Game Production Area in Lincoln County be supervised during those times when it is open to the public; amend an Archery Deer Hunting Season rule to adjust the season dates from "the fourth Saturday of September to January 31" to "the fourth Saturday of September to January 15"; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available from 495 "any elk" and 570 "antlerless elk" licenses (total of 1,065 licenses) to 470 "any elk" and 395 "antlerless elk" licenses (total of 865 licenses); amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available from 21 "any elk" licenses to 11 "any elk" licenses; amend a Custer State Park Early Archery Elk Hunting Season rule to adjust the number of licenses available from 5 "any elk" licenses to 3 "any elk" licenses; amend a Custer State Park Deer Hunting Season rule and a License Forms and Fees rule to modify the type of license available in Unit CUD-CU1 from 10 "any whitetail deer and an antlerless whitetail deer" licenses to 10 "any whitetail deer licenses"; reduce the number of available licenses in Unit CUD-CU3 from 35 two-tag "muzzleloader antlerless whitetail deer licenses" to 35 one-tag "muzzleloader antlerless whitetail deer licenses"; establish the license fee for the one-tag Custer State Park "any whitetail deer" license at \$150 and the license fee for the Custer State Park "muzzleloader whitetail antlerless deer" license at \$25; amend an Archery Elk Hunting Season rule to establish the number of licenses for "any elk" and "antlerless elk" (Black Hills Units and Unit 30A) licenses by adjusting the number of licenses available from 96 "any elk" and 49 "antlerless elk" licenses (total of 145 licenses) to 89 "any elk" and 37 "antlerless elk" licenses (total of 126 licenses); amend a Youth Deer Hunting Season rule to adjust the season dates from "the second

Saturday of September to January 31" to "the second Saturday of September to January 15"; amend a General Muzzleloading Deer Hunting Season rule to adjust the season dates from "the second Saturday of December to January 31" to "December 1 to January 15"; amend a Special Custer State Park Antlerless Elk Hunting License rule to close the special Custer State Park antlerless elk season for 2011; amend a Custer State Park Late Archery Elk Hunting Season rule to reduce the number of "any elk" licenses available from 30 licenses to 15 licenses; amend a Black Hills Bighorn Sheep Hunting Season rule to reduce the number of licenses available in Unit "1" from 4 "any bighorn sheep" licenses to 2 "any bighorn sheep" licenses; amend a Prairie Elk Hunting Season rule for "any elk" and "antlerless elk" licenses (Units 09A, 11A, 11B, 11C, 15A, and 30A) to adjust the total number of licenses available from 50 "any elk" and 86 "antlerless elk" licenses (total of 136 licenses) to 49 "any elk" and 79 "antlerless elk" licenses (total of 128 licenses); modify Unit 11 (Bennett County) to include that portion of Mellette County south of Highway 44 and west of Highway 83; adjust the start date of Unit 11A from August 1 to July 15; and adjust the season dates for Unit 15A (portions of Butte County) to begin on the second Saturday of September through October 31 and from December 1 – 31; amend Persons with Disabilities rules to make persons who have a developmental disability as defined in SDCL 27B-1-18 eligible for a reduced fee fishing license and provide for a procedure which would allow an applicant with a developmental disability to submit an official letter or form from the South Dakota Department of Social Services documenting the person's developmental disability and eligibility for services in lieu of submitting a written statement from a doctor of medicine, osteopathy, or chiropractic with their application for a reduced fee fishing license; and amend a Hunting Requirements and Prohibited Methods rule to require use of nontoxic shot for hunting small game on public road rights-of-way.

Department of Transportation – Amend a speed zone in the town of Gregory in Gregory County on South Dakota Highway 47 to reduce the speed limits on a segment of highway.

12:30 p.m. 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.

Members: Senators Angie Buhl, Jean M. Hunhoff, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and R. Shawn Tornow.

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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