



# Legislative Research Council

## RULES REVIEW COMMITTEE MINUTES

---

Three hundred thirty-second meeting  
Tuesday  
June 4, 2013

Room 413  
State Capitol  
Pierre, South Dakota

The three hundred thirty-second meeting of the Rules Review Committee was called to order by Chair Representative Timothy Johns at 10:00 a.m. CDT, on June 4, 2013, in Room 413 at the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Angie Buhl O'Donnell and Mike Vehle (Vice Chair); and Representatives Peggy Gibson, Anne Hajek and Timothy Johns (Chair). Senator Jean Hunhoff was 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 Hajek moved, seconded by Representative Gibson, that the minutes of the May 20, 2013, meeting be approved. Motion prevailed on a voice vote.*

### Rules Reviewed

**Department of Education: Board of Education** – Amend a rule to increase fees for teachers who apply for initial or for renewing a teacher certificate.

**Ms. Tami Darnall** and **Ms. Carla Leingang** reviewed the proposed rule.

*Senator Vehle moved, seconded by Senator Buhl O'Donnell, that the review of the rule proposed by the Department of Education: Board of Education is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Labor and Regulation: Division of Insurance** – Amend rules to update the general authority; repeal rules; update the website listed; update the sources referenced; and change the name of a reference.

**Ms. Mallori Barnett** reviewed the proposed rules.

*Representative Gibson moved, seconded by Representative Hajek, that the review of the rules proposed by the Department of Labor and Regulation: Division of Insurance is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Revenue: South Dakota Lottery Commission** – Amend Video Lottery Requirements rules to eliminate the bet to award ratio for video lottery game play and cap the maximum award allowed per bet at one thousand dollars; and provide definitions in rule for distributors, manufacturers, and operators.

**Mr. Norm Lingle**, Pierre, Executive Director of the South Dakota Lottery Commission, reviewed the proposed rules.

*Representative Hajek moved, seconded by Representative Gibson, 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 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Environment and Natural Resources: Board of Minerals and Environment** – Amend Air Pollution Control Program rules to adopt revisions to federal regulations and to revise certain obsolete and unnecessary statutes and rules.

**Mr. Kyrik Rombough** reviewed the proposed rules.

*Representative Johns moved, seconded by Senator Buhl O'Donnell, 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 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Social Services: Divisions of Economic Assistance and Medical Services** – Amend rules to update references to accurately identify the Department of Labor and Regulation, remove outdated references, remove specific dollar amounts for allowances and benefits, repeal obsolete provisions, update chapters to which the cpt 2013, Physicians' Current Procedural Terminology applies, and allow annual billing for certain services provided by chiropractic providers.

**Ms. Laura Ringling** and **Ms. Judy Toelle** reviewed the proposed rules.

*Representative Johns moved, seconded by Senator Buhl O'Donnell, that the review of the rules proposed by the Department of Social Services: Divisions of Economic Assistance and Medical Services is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Social Services: Division of Child Care Services** – Amend rules to combine material related to group family day care homes and licensed day care programs into one chapter, repeal obsolete and unnecessary provisions, update terminology, internal references, and definitions, outline the qualifications for substitute providers, specify that helpers must complete CPR training before being left alone to supervise children, specify water temperature requirements for licensed homes/facilities, remove specific temperature requirements, update discipline principles, clarify railing and barrier standards, abbreviate cleaning/sanitizing, food supply, hand washing and garbage/refuse requirements, clarify orientation and training topics and standards, specify fire drill requirements for before and after school care programs, adjust egress window standards, specify additional requirements for medication administration, outline scope of services for child care programs, update requirements and standards for family day care homes, licensed day care programs, and before and after school care programs.

**Ms. Ringling** and **Ms. Pat Monson** reviewed the proposed rules.

*Representative Hajek moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Social Services: Division of Child Care Services is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Social Services: Division of Child Protection Services** – Amend rules to remove all material related to child care services, repeal obsolete and unnecessary provisions, update terminology and definitions, update internal references, specify water temperature requirements for licensed homes/facilities, require carbon monoxide detectors in foster homes, update discipline principles for foster parents, clarify railing and barrier standards in foster homes, specify the length of stay allowed in a shelter care facility, outline orientation and training topics and standards, adjust training hour requirements, update physical examination requirements for children in care, allow certain licensed social work associates to provide face-to-face assessments, outline emergency safety intervention standards, adjust written care plan timeline requirements for child placement agencies, update requirements and standards for family foster homes, group care centers for minors, residential treatment centers, child placement agencies, independent living preparation programs, and intensive residential treatment centers.

**Ms. Ringling** and **Ms. Virgena Wieseler** reviewed the proposed rules.

### **Public Testimony**

**Mr. Doug Herrmann**, Rapid City, representing the Department of Corrections, spoke in support of the proposed rule changes.

*Senator Vehle moved, seconded by Representative Johns, that the review of the rules proposed by the Department of Social Services: Division of Child Protection Services is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Labor and Regulation: Division of Labor and Management** – Amend rules to revise the workers compensation fee schedule.

**Mr. James Marsh** reviewed the proposed rules.

*Representative Gibson moved, seconded by Representative Johns, that the review of the rules proposed by the Department of Labor and Regulation: Division of Labor and Management is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Labor and Regulation: South Dakota Board of Accountancy** – Amend rules to update references and specify the new firm fee structure.

**Ms. Nicole Kasin**, Sioux Falls, Executive Director for the Board of Accountancy, reviewed the proposed rules.

*Senator Vehle moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Labor and Regulation: South Dakota Board of Accountancy is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Secretary of State: Board of Finance** – Amend rules to require that a request for a moving allowance, including reimbursement of travel expenses, be submitted to the board for approval or disapproval before a moving allowance is authorized.

**Ms. Patricia Miller, Ms. Barbara Basel, and Ms. Liza Clark** reviewed the proposed rules

*Representative Johns moved, seconded by Senator Buhl O'Donnell, that the review of the rules proposed by the Secretary of State: Board of Finance is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Governor's Office of Economic Development: Board of Economic Development** – Adopt rules to implement and allow for payments under the Reinvestment Payment Program; implement and allow for payments under the Economic Development Partnership Program; implement and allow for payments under the Local Infrastructure Improvement Grant Program; and implement and allow for payments under the South Dakota Jobs Grant Program.

**Mr. Nathan Lukkes and Mr. Tim Engel**, Pierre, Legal Counsel for the Board of Economic Development, reviewed the proposed rules.

## Public Testimony

**Ms. Julie Johnson**, Aberdeen, representing Absolutely! Aberdeen, spoke in support of the proposed rules and publicly thanked all that worked on Senate Bill 235.

*Representative Hajek moved, seconded by Representative Gibson, that the review of the rules proposed by the Governor's Office of Economic Development: Board of Economic Development is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

**Department of Health: South Dakota Board of Examiners of Speech-Language Pathology** – Adopt rules to establish guidelines for the licensure of Speech-Language Pathologists.

**Ms. Brittany Schmidt**, Sioux Falls, President of the Board of Examiners of Speech-Language Pathology, reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Buhl O'Donnell, that the review of the rules proposed by the Department of Health: South Dakota Board of Examiners of Speech-Language Pathology is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Buhl O'Donnell, Gibson, Hajek, Johns, and Vehle. Member excused: Hunhoff.*

## Next Meeting

The next meeting of the Interim Rules Review Committee will be on Tuesday, July 9, 2013.

## Adjournment

*Representative Gibson moved, seconded by Senator Buhl O'Donnell, that the meeting be adjourned. Motion prevailed on a voice vote.*

Chair Johns adjourned the meeting at 12:00 p.m.

