



# Legislative Research Council

## Rules Review Committee Minutes

Three hundred forty-third meeting  
Tuesday  
August 12, 2014

Room 414  
State Capitol  
Pierre, South Dakota

The three hundred forty-third meeting of the Rules Review Committee was called to order by Senator Jean Hunhoff at 9:00 a.m. CDT, on August 12, 2014, in Room 414 at the State Capitol, Pierre, South Dakota, and via the Digital Dakota Network (DDN) at the following locations: Department of Human Services, 2361 Dakota Ave. S., Huron, South Dakota; University Center, 4801 N. Career Ave., Room FADM 145, Sioux Falls, South Dakota; and the Department of Transportation, 1306 W. 31<sup>st</sup> St., Yankton, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford and Jean Hunhoff; and Representatives Peggy Gibson and Anne Hajek. Excused were: Senator Mike Vehle (Vice Chair) and Timothy Johns (Chair). 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.sd.gov> under "Interim."

### Approval of Minutes

*Representative Hajek moved, seconded by Representative Gibson, that the minutes of the July 8, 2014, meeting be approved. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

### Rules Reviewed

**Department of Education: Board of Education** – Amend rules to update terminology, criteria, and other requirements regarding the definition and evaluation of autism spectrum disorder, reference the current edition of the Diagnostic and Statistical Manual of Mental Disorders, repeal sections already covered by other comprehensive evaluation rules, and make the definition of "students with disabilities" in the accountability rules consistent with the definition in the special education rules.

**Ms. Tami Darnall** and **Ms. Linda Turner** reviewed the proposed rules.

*Representative Gibson moved, seconded by Representative Hajek, that the review of the rules proposed by the Department of Education: Board of Education is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

**Department of Labor and Regulation: Plumbing Commission** – Amend rules to increase license and examination fees, residential inspection fees, establish a license fee for apprentice plumbers, and adopt licensing criteria for apprentice plumbers.

**Mr. Mike Richards** reviewed the proposed rules.

*Representative Hajek moved, seconded by Senator Bradford, that the review of the rules proposed by the Department of Labor and Regulation: Plumbing Commission is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

**Department of Agriculture: Animal Industry Board** – Amend a rule to relax quarantine requirements for baby calves moving into South Dakota.

**Dr. Mendel Miller** reviewed the proposed rule.

*Representative Gibson moved, seconded by Representative Hajek, that the review of the rule proposed by the Department of Agriculture: Animal Industry Board is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

**Department of Game, Fish and Parks** – Amend a Licensing Agents rule to clarify that the department may appoint licensing agents to sell park entrance licenses; amend Uses of Parks and Public Lands rules to add a general prohibition on use of crossbows (along with firearms and bows) in state parks, state recreation areas, state nature areas, and state lakeside use areas, and also specify exceptions to the restrictions on use of crossbows in these areas, and allow use of crossbows on lands owned by the Otter Tail Company and leased by the department as a game production area in Grant County and the Lake Andes Unit's game production areas in Charles Mix County; amend a License Forms and Fees rule to revise the current rule pertaining to replacement of a lost or destroyed license, permit or tag to authorize the department to replace a license, permit or tag in situations where through a licensee's oversight the license, permit or tag is not in the licensee's possession, or a licensee is requesting a replacement for a license, permit or tag that has been issued but not received (e.g., in the mail), require a licensee to return the original license, permit or tag issued to the licensee to the department within ten days, establish the fee for replacing all license types at \$20, and require the department to charge the license agent's fee established in SDCL 41-6-66.1; adopt a Possession, Processing and Transportation of Game rule to establish a process pursuant to which a wildlife processing facility may deem game (other than waterfowl) left at the facility as "abandoned" and allow the wildlife processing facility to turn possession of the abandoned game to a non-profit or charitable organization that distributes food or other services to the needy; amend Fall Wild Turkey Hunting Season

rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit; amend an Antelope Hunting Season rule to adjust the number of licenses/tags available and close Unit 60A to both firearms and archery; and amend a Waterfowl Hunting Seasons rule by modifying the boundaries of Units 1 and 2 established in ARSD 41:06:16:07 by adding all of Custer, Fall River and Pennington counties into Unit 2, and adding that portion of Perkins County west of SD Highway 75 and south of SD Highway 20 into Unit 1 (area open to Early Fall Canada Goose Hunting Season).

**Mr. Tony Leif** reviewed the proposed rules. It was noted that the Fall Wild Turkey Hunting Season rules had been removed from this package of proposed rules.

*Representative Gibson moved, seconded by Senator Bradford, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

**Department of Game, Fish and Parks** – Amend a Waterfowl Hunting Seasons (Duck Hunting Season) rule to decrease the daily bag limit for canvasback from 2 to 1 and allow 2 bonus blue-winged teal for the first 16 days of the duck season; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the daily bag limit for light geese from 20 to 50 and change Unit 2 so the season is open for 105 days preceding (and including) the Sunday closest to February 15; and amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90),

Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit, and reduce the total number of fall wild turkey licenses a person may obtain from 5 licenses to 2 licenses.

**Mr. Leif** reviewed the proposed rules.

*Representative Hajek moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

At 10:02 a.m. the committee took a fifteen minute break due to DDN technical difficulties.

**Department of Transportation** – Adopt a Speed Zone rule on State Trunk Highway 42 in Minnehaha County beginning 0.90 mile west of the intersection with Minnehaha County Road 139 then east for 0.80 mile, 55 miles per hour; then east for an additional 0.10 mile to the intersection with Minnehaha County Road 139, 45 miles per hour.

**Mr. Bill Nevin** reviewed the proposed rule.

*Senator Bradford moved, seconded by Representative Hajek, that the review of the rule proposed by the Department of Transportation is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

**Department of Labor and Regulation: Division of Insurance** – Amend rules to update sources referenced; update an appendix; and clarify the definition of an eligible association.

**Ms. Melissa Klemann** reviewed the proposed rules. It was noted that on page 9, third box down, and on page 13 at the top of page, first sentence, \$140 should have been changed to \$147. The apparent error will be corrected by the Division of Insurance before the rules are filed with the Secretary of State.

*Senator Hunhoff moved, seconded by Representative Gibson, 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 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

**Secretary of State: Board of Finance** – Amend a rule to increase the allowable in-state lodging reimbursement amount for State employees traveling on official in-state travel effective January 1, 2015.

**Mr. Brandon Johnson** reviewed the proposed rule.

### **Public Testimony**

**Ms. Michele Brich**, Pierre, representing the South Dakota Hotel and Lodging Association, spoke in support of the proposed fee increases.

**Mr. Jim Berven**, Watertown, a hotel owner, responded to committee questions regarding the fee increases.

*Senator Bradford moved, seconded by Senator Hunhoff, that the review of the rule proposed by the Secretary of State: Board of Finance is complete. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

### **Next Meeting**

The next meeting of the Interim Rules Review Committee will be on Tuesday, September 16, 2014.

### **Adjournment**

*Representative Hajek moved, seconded by Representative Gibson, that the meeting be adjourned. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Bradford, Gibson, Hajek, and Hunhoff. Members excused: Johns and Vehle.*

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