



SouthDakota

# Legislative Research Council

## Rules Review Committee Agenda

Senator Mike Vehle, Chair  
Representative Timothy Johns, Vice Chair

Three hundred fiftieth meeting  
Monday  
July 20, 2015

Room 414  
State Capitol  
Pierre, South Dakota

### Other DDN Site Locations:

Department of Human Services  
2361 Dakota Ave. S.  
Huron, South Dakota

Black Hills State University  
1200 University Station, Room LIB 11  
Spearfish, South Dakota

*Agencies are asked to have a representative present at the meeting  
to give background information on their rules.*

10:00 a.m. CT Call to order, roll call, approval of minutes, and staff report  
9:00 a.m. MT

Review of proposed rules

### Senator Vehle

Department of Agriculture: Division of Ag Development: SD Value Added Finance Authority – Amend Value Added Agribusiness Relending Program rules to enhance the definition of "Rural Area" and to increase the loan amount as a percent of total project costs.

Department of Game, Fish and Parks – Amend a Motorboats and Watercraft rule to exempt law enforcement officers from boat lighting requirements if certain criteria are met; amend an Application for License rule to require any resident or nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in Newton Hills State Park; amend Waterfowl Hunting Seasons (Nonresident waterfowl licenses), License Forms and Fees, and Youth Waterfowl Hunting Season rules to adopt recommendations of the Nonresident Waterfowl Work Group that would establish the fee for a nonresident youth (under 16 years of age) waterfowl license at \$10; amend a Black Hills Deer Hunting Season rule to increase the number of resident and nonresident "Any Whitetail" deer licenses; amend West River Prairie Deer Season rules to establish the number and types of resident and nonresident licenses/tags available, adjust season dates, change the county designation for Unit WRD-65A from Shannon County to Oglala Lakota County, and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days;

amend East River Deer Hunting Season rules to establish the number and types of licenses available, establish Unit ERD-07B as an antlerless deer unit within Yankton County described as that portion of Yankton County south of SD Highway 50 and west of US Highway 81; amend Archery Deer Hunting Season rules to provide an exception in Unit ARD-LM1 that would allow archery hunters possessing an access permit to archery hunt in Adams Homestead and Nature Preserve Area and increase the number of "antlerless whitetail deer" archery access permits; amend National Wildlife Refuge Deer Hunting Season rules to open Unit RFD-SL4 and adjust the "any deer" and "any antlerless deer" licenses for Sand Lake National Wildlife Refuge and adjust the season dates for Waubay National Wildlife Refuge; and amend a Persons with Disabilities rule to allow telescopic sights and lighted sight pins to be used by crossbow permittees.

Department of Game, Fish and Parks – Amend a Custer State Parks Restrictions rule to prohibit hunting any big game species within 200 yards of any public access road or building in Custer State Park; amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags for residents and nonresident hunters in the East River Prairie Units and the Black Hills Unit (Unit BH1), and modify Unit NE1 to include those portions of Marshall County located south and east of SD Hwy. 25 and north of SD Hwy. 10 and Roberts County north of SD Hwy. 10; amend an Antelope Hunting Season rule to adjust the number of licenses/tags for residents and nonresident hunters; and amend a Waterfowl Hunting Season rule to modify the boundaries of Units 1 and 2 established in ARSD § 41:06:16:07.

Department of Transportation – Amend a Speed Limits rule in Sanborn County beginning at the junction of SD Hwy. 37 and SD Hwy. 34 to 0.10 mile west of 232nd Street; then beginning 0.10 mile east of Main Street in Forestburg to the east junction of SD Hwy. 37 and SD Hwy. 34 is being increased to 70 miles per hour.

### **Representative Johns**

Office of the Attorney General: Law Enforcement Officers Standards and Training Commission – Amend rules to allow physician's assistants and nurse practitioners to conduct examinations of law enforcement officers and create an enhanced concealed pistol use of force training program, to establish rules regarding the minimum standards for a person to attend the training program, expiration date for the use of force training certificate of completion and rules regarding the implementation of the course, including the training course fees.

### **Representative Gibson**

Department of Health: State Board of Dentistry – Amend rules to change the name Advanced Dental Assistant to Registered Dental Assistant and update the definition to maintain consistency with state law.

Department of Environment and Natural Resources: Board of Water and Natural Resources – Amend a rule to make adjustments to the director areas of the James River Water Development District.

## **Senator Heineman**

Department of Labor and Regulation: Division of Unemployment Insurance – Adopt a rule to authorize the use of the Treasury Offset Program (TOP) to collect delinquent covered unemployment compensation (UC) debt from employers.

Secretary of State: Board of Elections – Amend rules to provide additional instructions to voters on how to mark an optical scan ballot, allow the person in charge of the election to determine where the ballot stamp watermark is placed on the ballot, add residence address including city and zip code to the nominating petition for school board candidates, add city and zip code to the municipal candidate nominating petition, add aldermanic as a type of a municipal government that can increase or decrease the number of wards on the petition form, add a notation to the general authority section to the administrative rule for approving electronic ballot marking systems, clarify what ballots can be requested on the absentee ballot application and what ballots can be requested to be emailed to military and overseas voters on the absentee ballot application, clarify who a recount petition is filed with, and repeal a notice of cancellation of election that is not required by statute.

## **Representative Hunhoff**

Department of Education: State Historical Society – Amend rules to increase the membership fees for the State Historical Society; increase fees at the State Archives for microfilm production and add fees for new services of digital camera use and microfiche scanning; and amend fees charged by the Archaeological Research Center for its services regarding curation, permits, and data services, and remove fees charged for certain other services.

Department of Health: Board of Pharmacy – Amend rules to establish the ability of pharmacies to increase the technician to pharmacist ratio.

Department of Health: Division of Health and Medical Services – Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel.

## **Committee Discussion**

SDCL 1-26 requirements – discussion continued from April 2015 meeting regarding information in final rules package submitted to the committee.

1:30 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. Copies may also be available at <https://rules.sd.gov/default.aspx>.**

**Members:** Senator Mike Vehle (Chair); Representative Timothy Johns (Vice Chair); Senators Jim Bradford and Phyllis Heineman; and Representatives Peggy Gibson and Jean Hunhoff.

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