

# MINUTES

## Rules Review Committee



Senator Mike Vehle, Chair

Representative Timothy Johns, Vice Chair

**Three hundred fifty-eighth meeting**

**Tuesday**

**July 12, 2016**

**Room 414**

**State Capitol**

**Pierre, South Dakota**

### **Other DDN Site Locations:**

**University Center**

**4801 N. Career Ave., Room FADM 145**

**Sioux Falls, South Dakota**

**Black Hills State University**

**1200 University Station, Room LIB 11**

**Spearfish, South Dakota**

The three hundred fifty-eighth meeting of the Rules Review Committee was called to order by Senator Mike Vehle (Chair) at 10:05 a.m., CT, on July 12, 2016, in Room 414 at the State Capitol, Pierre, South Dakota and via the Digital Dakota Network (DDN) at the following locations: Black Hills State University, 1200 University Station, Room LIB 11, Spearfish, South Dakota and the University Center, 4801 N. Career Ave., Room FADM 145, Sioux Falls, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Phyllis Heineman, and Mike Vehle (Chair) and Representatives Peggy Gibson, Jean Hunhoff, and Timothy Johns (Vice 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://sdlegislature.gov> under "Interim."*

### **Approval of Minutes**

*Representative Gibson moved, seconded by Senator Heineman, that the minutes of the June 1, 2016, meeting be approved. Motion prevailed on a voice vote.*

### **Rules Reviewed**

**Department of Game, Fish and Parks** – Amend an Application for License rule to repeal current language which limits issuing antlerless licenses authorized by SDCL 41-6-19.8 to qualifying farmers and ranchers for use in the designated deer hunting units where at least one antlerless deer tag is available after the second lottery drawing from the previous year and provides that free antlerless licenses are invalid in counties where antlerless archery and muzzleloader licenses are restricted, and make "antlerless whitetail deer" licenses available to those eligible landowners in hunting units which offer a deer license with multiple tags for antlerless deer in the lottery drawing for the East River and West River deer seasons; amend Black Hills Deer Hunting Season rules to adjust the number and types of licenses for resident and nonresident "antlerless whitetail" deer; modify the number of Black Hills antlerless management units from four units to two units, and remove language depicting the license

type and number of licenses from each hunting unit; amend West River Prairie Deer Season rules to adjust the number and types of licenses for residents and nonresidents, and remove the language depicting the license type and number of licenses from each hunting unit; amend East River Deer Hunting Season rules to adjust the number and type of licenses, establish an antlerless deer unit within Bon Homme County described as that portion of Bon Homme County south of SD Highway 50 and east of SD Highway 37, and remove the language depicting the licenses type and number of licenses from each hunting unit; amend Archery Deer Hunting Season rules to close hunting units 39A (Jackson County) and 45B (portions of Lyman County), and open units 01A (Minnehaha County), 06A (Brookings County), 07B (portions of Yankton County), 12B (portions of Bon Homme County), 17A (Charles Mix County), 25A (Douglas County), 27B (portions of Fall River County), 35A and 35C (portions of Harding County), 43A (Lake County), 44A (north of 273rd Street) (Lincoln County), 46A (McCook County), 49A and 49B (portions of Meade County), 52A (Moody County) and 53A (Perkins County), all in Unit ARD-LM1, and Black Hills Units BD1 and BD2, increase the number of "antlerless whitetail" deer archery access permits for the Adams Homestead and Nature Preserve, and remove the language depicting the license type and number of licenses from each hunting unit and the number of access permits from each designated area; amend National Wildlife Refuge Deer Hunting Season rules to set the number and type of licenses available and remove the language depicting the license type and number of licenses from each hunting unit; amend Custer State Park Deer Hunting Season rules to set the number of "antlerless whitetail" deer muzzleloader licenses, remove the language depicting the license type and number of licenses from each hunting unit, and repeal Unit CUD-ZZ1; and amend General Muzzleloading Deer Hunting Season rules to close hunting units 39A (Jackson County) and 45B (portions of Lyman County), and open units 01A (Minnehaha County), 06A (Brookings County), 07B (portions of Yankton County), 12B (portions of Bon Homme County), 17A (Charles Mix County), 25A (Douglas County), 27B (portions of Fall River County), 35A and 35C (portions of Harding County), 43A (Lake County), 46A (McCook County), 49A and 49B (portions of Meade County), 52A (Moody County) and 53A (Perkins County), all in Unit ARD LM1, and Black Hills Units BD1 and BD2, and remove the language depicting the license type and number of licenses from each hunting unit.

**Mr. Tony Leif** reviewed the proposed rules regarding deer hunting seasons.

*Representative Hunhoff 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 5 ayes, 1 excused. Members voting aye: Gibson, Heineman, Hunhoff, Johns, and Vehle. Member excused: Bradford.*

**Department of Education: Board of Education** – Amend Career and Technical Education rules to change the amount of the set-aside of projected state fees charged to students pledged for the payment of lease purchase agreements, increase the postsecondary technical institute (PTI) per student allocation to the level set for FY 2017 by the Legislature, transition PTI instructor credentialing from the Department of Education to the PTIs, provide guidance for the use of money to increase PTI instructor salaries; adopt a General State Aid rule to provide the annual deadline and requirements for school districts to report their educational structure data; and adopt Cooperation in Education rules to lay out the application process, guidelines, and criteria for the shared services grant program.

**Ms. Bobbi Rank, Ms. Tami Darnall, Ms. Tiffany Sanderson, and Ms. Becky Nelson** reviewed and answered questions regarding the proposed rules.

Senator Heineman requested a copy of the criteria that the presidents will use to determine the differential pay, based on performance, for the postsecondary technical institute instructors' salaries.

*Representative Gibson moved, seconded by Senator Bradford, 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 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

**Department of Revenue: South Dakota Lottery Commission** – Amend rules to allow applications, registrations, and disclosure forms, that are required to be submitted to the Lottery for purposes of determining qualification for licensure, to be submitted using an electronic signature; adopt rules to offer the EZ Match instant win option in conjunction with any on-line game authorized by the Lottery Commission at a cost of one dollar per play in addition to the cost of the on line game played.

**Mr. Norm Lingle** reviewed the proposed rules.

*Representative Johns 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 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

**Department of Health: State Board of Dentistry** – Amend rules to update the declaratory ruling process, repeal obsolete provisions, and update collaborative supervision requirements.

**Ms. Brittany Novotny**, Pierre, Executive Secretary, reviewed the proposed rules.

*Senator Vehle moved, seconded by Representative Hunhoff, that the review of the rules proposed by the Department of Health: State Board of Dentistry is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Heineman, Hunhoff, Johns, and Vehle.*

**Department of Human Services: Division of Developmental Disabilities** – Adopt rules to implement the Center for Medicare and Medicaid Services' (CMS) regulations mandating conflict free case management and to implement the current state law allowing for-profit and not-for-profit organizations to provide case management services to individuals with intellectual disabilities. The rules provide additional guidance on the administration of drugs for the control of behavior and for sedation as prescribed by a licensed medical professional, on time alone, on prohibition of time out rooms, on the use of person centered planning in the individualized service plan, on the role and responsibilities of a case manager, and on the use of advisory boards by entities that are organized outside of the state of South Dakota. The rules will also correct grammar and punctuation.

**Mr. Dan Lusk** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Heineman, that the review of the rules proposed by the Department of Human Services: Division of Developmental Disabilities is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Gibson, Heineman, Hunhoff, Johns, and Vehle. Member excused: Bradford.*

### **Next Meeting Date**

The next meeting of the Interim Rules Review Committee will be on Monday, August 22, 2016.

### **Adjournment**

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

Chair Vehle adjourned the meeting at 12:20 p.m.