



# Legislative Research Council

## RULES REVIEW COMMITTEE MINUTES

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**Two hundred ninety-fourth meeting  
Friday  
March 13, 2009**

**LRC Conference Room  
State Capitol  
Pierre, South Dakota**

The two hundred ninety-fourth meeting of the Rules Review Committee was called to order by Vice Chair Representative Roger Hunt at 8:30 a.m. CDT, March 13, 2009, in the LRC Conference Room of the State Capitol, Pierre, South Dakota.

It was determined that a quorum was not present. Members present were Representative Peggy Gibson, Roger Hunt (Vice-chair), and David Lust.

Senator Mike Vehle joined the meeting at 8:36 a.m. and it was determined that a quorum was present. Members excused were Senators James Hundstad and Jean Hunhoff.

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.

### **Election of Chair and Vice Chair**

*Representative Lust moved, seconded by Representative Gibson to nominate Representative Hunt as chair. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hunt, Lust and Vehle. Members excused: Hundstad and Hunhoff.*

*Representative Gibson moved to nominate Representative Lust as vice-chair. A substitute motion was made by Representative Lust, seconded by Representative Gibson, to nominate Senator Hunhoff as vice-chair. Motion prevailed on a roll call vote with 4 ayes, 2 excused. Members voting aye: Gibson, Hunt, Lust and Vehle. Members excused: Hundstad and Hunhoff.*

### **Agency Assignments**

Mr. Decker distributed handouts entitled "Interim Rules Review Assignments" (**Document 1**) and "Legal Review of Administrative Rules (By Member) – 1/1/2008 to 12/31/2008 and 1/1/2007 to 12/31/2007" (**Document 2**). He explained that the agency assignments for Senator Smidt had been assigned to Senator Vehle and Representative Thompson's agency

assignments were assigned to Representative Gibson. The second handout was a table of what the work load had been over the past two years.

A brief discussion followed on the duties of the Interim Rules Review Committee and the promulgation of rules process. Additional handouts included: Issue Memorandum 96-15, revised 3/11/2009, entitled "The Administrative Rules Promulgation Process: A Primer"; "Interim Rules Review Committee"; "Rules Review Committee Action"; and "Delegation of Rule-Making Authority" (**Documents 3, 4, 5, and 6**).

### **Interim Meeting Schedule**

Staff distributed handouts entitled "2009 Interim Rules Review Meeting Dates" along with a draft "2009 Schedule for LRC Executive Board" and actual "2008 Interim Rules Review Meeting Dates" (**Documents 7, 8, and 9**).

**Mr. Doug Hofer** and **Mr. Richard Neill**, Department of Game, Fish and Parks, requested that the first meeting of the Interim Rules Review Committee be scheduled on or before April 6<sup>th</sup> in order for the department to meet the 75-day filing requirement and be able to appear before the committee prior to filing a rule to raise boat license fees. The committee discussed the filing deadline and the proposed 2009 Interim Rules Review meeting schedule. Mr. Neill also noted that the proposed September 1<sup>st</sup> meeting would be too late to meet the early season for federal waterfowl. This year the waterfowl rules must be filed no later than August 14<sup>th</sup>.

The committee discussed the proposed dates and noted that the Department of Corrections - Board of Pardons and Parole also has the same problem with the 75-day filing requirement. The committee acknowledged the agency deadlines and filing requirements but decided to continue its practice of scheduling its meeting in conjunction with the Executive Board schedule. The committee will use the 2009 meeting dates. Thus the committee will meet on the Tuesdays following the Executive Board meetings with the exception of the August meeting. A telephone conference call may have to be scheduled in August to deal with the GFP rules and it was noted that the Dakota Digital Network (DDN) could be used for some meetings. The interim schedule will be published in the Register and posted on the LRC website.

*Senator Vehle moved, seconded by Representative Gibson, that the 2009 schedule be adopted as proposed, subject to change in the future. Motion prevailed on a voice vote.*

### **Service of Rules** (Electronic vs. Hard Copy)

The committee briefly discussed the service of documents as part of the rule-making process. At the end of the discussion the members present requested that they continue to receive hard copies of the agency documents along with an electronic version. Staff will modify Form 12 to account for the committee member's preferences and will update the form on LRC's website.

## Adjournment

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

Chair Hunt adjourned the meeting at 9:19 a.m.

