



Legislative Research Council

RULES REVIEW COMMITTEE MINUTES

**Two Hundred Fifty-first Meeting
Friday
September 3, 2004**

**Room 413
State Capitol Building
Pierre, South Dakota**

The two hundred fifty-first meeting of the Rules Review Committee was called to order by Chair Senator Royal "Mac" McCracken at 10:04 a.m., September 3, 2004, in Room 413 of the State Capitol, Pierre, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Eric Bogue, H. Paul Dennert and Royal "Mac" McCracken; and Representatives Jean Hunhoff (appearing telephonically) and Orville Smidt. Representative Richard Engels was excused.

Staff members present included Doug Decker, Code Counsel, and Kris Schneider, 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.

Approval of Minutes

Senator Bogue moved, seconded by Representative Smidt, that the minutes of the August 3, 2004, meeting be approved. Motion prevailed on a roll call vote with 5 ayes and 1 excused (Engels).

Staff Report

Mr. Decker explained how LRC staff establishes which agency is placed on the agenda.

Rules Reviewed

Department of Labor: Plumbing Commission - Amend rules regarding plumbing installation practices as they relate to the Uniform Plumbing Code and to allow for apprentice plumber licensing beyond four years without fees involved.

Mr. Mike Richards reviewed the proposed rules.

Senator Bogue moved, seconded by Senator Dennert, to approve the rules proposed by the Department of Labor: Plumbing Commission. Motion prevailed on a roll call vote with 5 ayes, 1 excused (Engels).

Secretary of State: Board of Elections - Amend rules to bring the notice of municipal election and the election board oath into compliance with statutory changes, provide additional information on the provisional ballot envelope, provide language for any voter identification sign used at a polling place, add additional instructions for optical scan ballots, improve the wording for certain school ballots, clarify the ballot recapitulation sheet and the instructions to absentee voters, and provide a ballot box seal.

Secretary of State Chris Nelson reviewed the proposed rules. In response to a question on provisional ballots, he explained when and how those ballots are counted.

Senator Dennert moved, seconded by Representative Smidt, to approve the rules proposed by the Secretary of State: Board of Elections. Motion prevailed on a roll call vote with 5 ayes, 1 excused (Engels).

Department of Game, Fish and Parks - Amend rules to waive the park entrance license requirement at Farm Island State Recreation Area and Oahe Downstream State Recreation Area during the dates of the Korean War Memorial Dedication (September 17 through September 19, inclusive); formally designate a portion of the waters on Lake Sharpe fronting the swimming beach at Oahe Downstream Recreation Area in Stanley County as a "public swimming zone"; clarify the wording of the "no wake zone" at the confluence of Lake Sharpe and the Bad River; make style and form changes to existing safety zones; amend "Public Water Zoning" on Punished Woman Lake in Codington County, on Lake Waggoner in Haakon County, on Lake Norden in Hamlin County, on Lake Madison in Lake County, and on Shadehill Reservoir in Perkins County; modify the daily bag limits and possession limits of certain waterfowl and hunting season dates and length of applicable seasons for certain waterfowl in the various areas and applicable zones (all to be in compliance with and inclusive of regulations permitted within the adopted Federal framework); prohibits a licensee from hunting, possessing, or transporting wild animals in violation of the conditions of the issued license; and increase the fee for certain licenses and permits (hunting, fishing, falconry, fur dealer, and taxidermist).

Mr. Doug Hansen reviewed the proposed rules. He stated that the last time the commission adjusted fees for hunting was in 1999. The proposed fee and permit increases are for the calendar year 2005.

Following discussion on the fiscal note, the amount of reserve currently on hand, and the unknown expansion of programs with the increased revenue, *Senator Bogue moved, seconded by Senator Dennert, to send back the rules regarding fee increases proposed by the Department of Game, Fish and Parks for further clarification on the fiscal note, justification of their actual reserve balance and projected expenditures. Motion prevailed on a roll call vote with 5 ayes, 1 excused (Engels).*

Senator Bogue moved, seconded by Representative Hunhoff, to approve the remaining rules proposed by the Department of Game, Fish and Parks. Motion prevailed on a roll call vote with 5 ayes, 1 excused (Engels).

Department of Education: Board of Education - Eliminate the requirement that evidence of completion of all required sections of the Dakota STEP assessment must appear on the student's transcript before graduation may be authorized and a signed diploma may be issued and remove curriculum and special education directors from the administrative program group and place them in the school service program group.

Dr. Rick Melmer, Secretary of the Department of Education, reviewed the proposed rules.

Senator McCracken moved, seconded by Representative Smidt, to approve the rules proposed by the Department of Education: Board of Education. Motion prevailed on a roll call vote with 5 ayes, 1 excused (Engels).

Department of Social Services: Office of Medical Services - Amend rules to update and clarify certain rules, reference materials, and cross-references; clarify a hospital's DRG rate of reimbursement; establish a lower rate of reimbursement and claim requirements in a psychiatric unit; amend the list of services that are subject to payment by the department; require certain hospitals to care for Medicaid-eligible individuals; and revise admission criteria for an infant admitted to a neonatal intensive care unit.

Department of Social Services: Office of Child Care Services - Adopt rules relating to child care programs regulated by the department regarding child care facilities, family day care homes, group family day care homes, day care centers, environmental health standards, and before and after school care.

Ms. Jill Wellhouse reviewed the proposed rules for the Office of Medical Services and the Office of Child Care Services.

Senator McCracken moved, seconded by Representative Hunhoff, to approve the rules proposed by the Department of Social Services: Office of Medical Services and Office of Child Care Services. Motion prevailed on a roll call vote with 5 ayes, 1 excused (Engels).

Meeting Dates

Chair McCracken stated that the next committee meeting would be Friday, October 15, 2004, at 9 a.m. Another meeting was scheduled for Tuesday, December 7, 2004.

Adjourn

Representative Hunhoff moved, seconded by Senator Dennert, that the meeting adjourn. Motion prevailed on a roll call vote with 5 ayes, 1 excused (Engels).

The meeting adjourned at 11:47 a.m.

