



# Legislative Research Council

## RULES REVIEW COMMITTEE MINUTES

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**Three hundred fifth meeting  
Tuesday  
June 8, 2010**

**Room 414  
State Capitol  
Pierre, South Dakota**

The three hundred fifth meeting of the Rules Review Committee was called to order by Chair Representative Roger Hunt at 9:10 a.m. CST, June 8, 2010, in Room 414 of the State Capitol, Pierre, South Dakota and via the Dakota Digital Network (DDN) at the following locations: Northern State University, 1200 S. Jay St., Room Lib 117, Aberdeen, South Dakota; Department of Transportation, 901 Dakota St., Huron, South Dakota; Mitchell Technical Institute, 1800 E. Spruce, Room TC 155, Mitchell, South Dakota; SD School of Mines and Technology, 501 E. St. Joseph St., Room CB 109, Rapid City, South Dakota; and University Center, 2205 Career Ave., Room 282 S, Sioux Falls, South Dakota.

A quorum was determined with the following members answering the roll call: Senators James Hundstad, Jean Hunhoff (Vice-chair), and Mike Vehle; and Representatives Peggy Gibson, Roger Hunt (Chair), and David Lust. All members appeared via the DDN except Senator Hunhoff who was in Pierre. 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 web cast live. The archived web cast is available at the LRC website at <http://legis.state.sd.us> under "Interim Information – Minutes and Agendas."

### **Approval of Minutes**

*Senator Hundstad moved, seconded by Representative Lust, that the minutes of the April 20, 2010, meeting be approved. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

### **Rules Reviewed**

**Department of Labor: South Dakota Board of Accountancy** – Amend rules to update references; update reference to individual's certificate; update regional accreditation name, clarification of reciprocal license fee, and amendments to peer review to comply with the AICPA Peer Review Standards effective January 1, 2009.

**Ms. Nicole Kasin**, Sioux Falls, Executive Director of the Board of Accountancy, gave a brief summary of the proposed rules.

*Senator Hunhoff moved, seconded by Representative Gibson, to approve the rules proposed by the Department of Labor: South Dakota Board of Accountancy. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Labor: South Dakota Retirement System** – Amend rules to reflect the transfer of administrative authority over the South Dakota State Cement Plant retirement plans from the South Dakota State Cement Plant Commission to the South Dakota Retirement System Board of Trustees.

**Mr. Wade Hubbard** reviewed the proposed rules. He explained that these rules were being amended to comply with Senate Bill 166 which was passed during the 2010 Legislative Session.

*Senator Hundstad moved, seconded by Representative Gibson, to approve the rules proposed by the Department of Labor: South Dakota Retirement System. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Secretary of State: Board of Elections** – Amend rules to provide notice to felons being removed from the voter registration list, provide additional information on the municipal election cancellation notice, provide notice regarding felon disqualification, clarify ballot wording, update water development petition language, provide a form for precinct committeemen and women, require additional information on the absentee ballot log, add language to absentee voting materials to accommodate overseas voters requesting voting materials electronically and provide an uncounted absentee ballot envelope.

**Secretary of State Chris Nelson** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Hundstad, to approve the rules proposed by the Secretary of State: Board of Elections. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Human Services: Board of Social Work Examiners** – Amend a rule to increase the exam fee for Social Worker Associate (Associate), Social Worker (Bachelor) and Certified Social Worker (Master) levels from \$200 to \$255 and for Certified Social Worker – Private Independent Practice (Clinical and Advanced Generalist) level from \$200 to \$285.

**Mr. Tom Stanton**, Rapid City, Attorney for the Board of Social Work Examiners, explained the proposed rule. He stated that the fees were being increased to cover the cost of the national certification fee. The board will continue to retain \$25 of the fee for administrative costs.

*Representative Hunt moved, seconded by Representative Gibson, to approve the rule proposed by the Department of Human Services: Board of Social Work Examiners. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Environment and Natural Resources: Board of Minerals and Environment** – Amend air pollution control program rules to comply with revisions to the federal regulations.

**Mr. Kyrik Rombough** reviewed the proposed rules.

Representative Lust and Representative Hunt voiced concerns with adopting federal regulations for businesses that are not currently in South Dakota.

*Senator Hundstad moved, seconded by Senator Vehle, to approve the rules proposed by the Department of Environment and Natural Resources: Board of Minerals and Environment. Motion prevailed on a roll call vote with 4 ayes, 2 nays. Members voting aye: Gibson, Hundstad, Hunhoff, and Vehle. Members voting nay: Hunt and Lust.*

**Department of Environment and Natural Resources: Board of Water and Natural Resources** – Repeal certain sections of the Water Development District rules that are no longer valid due to legislative changes.

**Mr. Pete Jahraus** reviewed the proposed rules

*Senator Hundstad moved, seconded by Representative Lust, to approve the rules proposed by the Department of Environment and Natural Resources: Board of Water and Natural Resources. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Environment and Natural Resources: Board of Water and Natural Resources** – Amend Consolidated Water Facilities Construction Program rules to allow the board to award assistance from other funding programs to applicants applying for assistance from the program if the applicant is eligible for assistance from the other funding programs; raise minimum rate thresholds needed to have an application considered by the board; and eliminate the requirement that the board may only make a final decision on the award of funds after at least 12 hours have passed since the application has been presented to the board; amend State Water Pollution Control Revolving Fund Program rules to establish a system within the program to award additional subsidy through the use of principal forgiveness; allow the board to award assistance from other funding programs to applicants applying for assistance from this program if the applicant is eligible for assistance from the other funding programs; modify the priority point criteria to award points for projects that qualify as green infrastructure, water or energy efficiency improvements or other environmentally innovative activity under the Act and other minor priority point adjustments; and change the application deadline from the 15<sup>th</sup> of January, April, July, and October to the

1<sup>st</sup> of January, April, July, and October and eliminate deadlines for applicants to submit a completed facilities plan; amend a Solid Waste Management Program rule to eliminate the requirement that the board may only make a final decision on the award of program funds after at least 12 hours have passed since the application has been presented to the board; and amend Drinking Water State Revolving Fund Program rules to establish a system within the program to award additional subsidy through the use of principal forgiveness; allow the board to award assistance from other funding programs to applicants applying for assistance from this program if the applicant is eligible for assistance from the other funding programs; modify the priority point criteria to award points for projects that qualify as green infrastructure, water or energy efficiency improvements or other environmentally innovative activity under the Act, eliminate points for the expansion of the service area of a community water system that is not operated by a municipality or sanitary district, and other minor priority point adjustments; and change the application deadline from the 15<sup>th</sup> of January, April, July, and October to the 1<sup>st</sup> of January, April, July, and October and eliminate deadlines for applicants to submit a completed facilities plan.

**Mr. James Feeney** reviewed the proposed rule changes.

*Senator Hunhoff moved, seconded by Representative Lust, to approve the rules proposed by the Department of Environment and Natural Resources: Board of Water and Natural Resources. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Environment and Natural Resources: Environmental Services** – Amend Air Emission Fees rules to ensure the department maintains sufficient resources to implement the Title V air quality permit program and maintain the state's approval status from the EPA.

**Mr. Brian Gustafson** reviewed the proposed rules and the fees associated with the proposed changes.

Senator Vehle stated that because there is an unfunded mandate to local governments, he would not be supporting the proposed rules.

*Senator Hundstad moved, seconded by Representative Lust, to approve the rules proposed by the Department of Environment and Natural Resources: Environmental Services. Motion prevailed on a roll call vote with 5 ayes, 1 nay. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, and Lust. Member voting nay: Vehle.*

**Department of Social Services: Economic Assistance** – Amend rules to expand the list of sources available for determining Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) eligibility; clarify eligibility and payment requirements related to the Auxiliary Placement Program; and update medical eligibility requirements to comply with federal provisions.

**Ms. Laura Ringling** and **Ms. Becky Janssen** reviewed the proposed rules.

*Representative Lust moved, seconded by Senator Vehle, to approve the rules proposed by the Department of Social Services: Economic Assistance. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Social Services: Economic Assistance** – Repeal obsolete rules within the Division of Economic Assistance relating to assistance payments.

**Ms. Ringling** reviewed the proposed rules.

*Senator Hundstad moved, seconded by Representative Lust, to approve the rules proposed by the Department of Social Services: Economic Assistance. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Social Services: Medical Services** – Amend rules to revise definitions and modify the basis of reimbursement for inpatient and outpatient services.

**Ms. Ringling** and **Ms. Brenda Tidball-Zeltinger** reviewed the proposed rules. It was noted that the proposed rules were necessary in order to maintain the departments approved budget which included no discretionary inflation increase. Ms. Tidball-Zeltinger explained the cost settlement process – retroactive cost adjustments with FY 10 money for audited costs incurred during FY 09.

### **Public Testimony**

**Ms. Dianna Rajski**, Sioux Falls, President/CEO of Children's Care, spoke in opposition to ARSD 67:16:03:06.06. She believes that regulation should not be changed retroactively. Children's Care would be taking a \$1.02 million cut – 91% of the reduction. She asked that the implementation of the proposed rule change be delayed until the full impact is known.

**Mr. Ken Senger**, Sioux Falls, South Dakota Association of Healthcare Organizations (SDAHO), stated originally SDAHO opposed these rules. With the change of implementation for one year only, SDAHO is no longer opposed to the rule changes. It does create problems for providers because they can manage costs but not inflation.

In response to a question on why Children's Care did not voice their concerns during the Legislative session, **Mr. John Clark**, Sioux Falls, Chief Financial Officer of Children's Care, stated that during the budget hearings, there was no discussion on how the cuts would be accomplished in the context of FY 2011. It was not until Children's Care received the proposed rules on May 4<sup>th</sup> that they were made aware of the specifics.

In response to a question on how centers for independence differ from care provided at Children's Care, **Ms. Kimberly Marso**, Sioux Falls, Vice President of Clinical Services, spoke to the acuity on medical and behavioral issues.

In response to a question on the cost of treatment, Mr. Clark stated that they have been reimbursed the actual cost – currently \$746 per day for the medically complex unit but can be as high as \$800 per day, depending on the number of patients.

Representative Gibson stated that by using the cost settlement process, Children's Care is actually getting an inflationary increase and are being singled out from other providers.

Representative Hunt requested that DSS provide the committee with the number of children presently going to facilities outside of South Dakota that could be treated at Children's Care.

*Representative Lust moved, seconded by Representative Hunt, to revert the rules proposed by the Department of Social Services: Medical Services to a prior step based on SDCL 1-26-4.7 (3).*

*Representative Lust moved a substitute motion, seconded by Representative Hunt, to revert ARSD 67:16:03:06.06 to a prior step for the department to rewrite the rule so it is more equitable under the circumstances. Motion prevailed on a roll call vote with 5 ayes, 1 nay. Members voting aye: Hundstad, Hunhoff, Hunt, Lust, and Vehle. Member voting nay: Gibson.*

*Senator Hundstad moved, seconded by Representative Lust, to approve the remaining rules proposed by the Department of Social Services: Medical Services. Motion prevailed on a roll call vote with 5 ayes, 1 nay. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, and Lust. Member voting nay: Vehle.*

**Department of Agriculture: Agricultural Services** – Amend rules to maintain compliance in the dairy industry at the farm and plant level to meet Grade "A" requirements.

**Mr. Darwin Kurtenbach** reviewed the proposed rules.

*Representative Gibson moved, seconded by Representative Hunt, to approve the rules proposed by the Department of Agriculture: Agricultural Services. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Agriculture: South Dakota Weed and Pest Control Commission** – Amend a rule to add black henbane to the local noxious weed and declared pest list.

**Mr. Kurtenbach** reviewed the proposed rule.

*Senator Hunhoff moved, seconded by Senator Vehle, to approve the rule proposed by the Department of Agriculture: South Dakota Weed and Pest Control Commission. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Revenue and Regulation: Division of Banking** – Amend the record keeping requirements for trust companies chartered and regulated by the Division of Banking; reduce the number of copies of paper application forms required to be submitted to the Division of Banking for review and to require an electronic version of all application materials submitted; provide a definition for the term private trust company; provide additional guidance to South Dakota trust companies with regard to trust administration duties that may be done in South Dakota to comply with new statutory requirements; repeal duplicative language dealing with the background investigation process for mortgage license applicants which is now detailed in South Dakota law; establish surety bond requirements for mortgage licensees that take into consideration the dollar amount of loans originated, brokered, or serviced by mortgage licensees in South Dakota; increase the records retention timeframe from three years to five years for mortgage licensees; and clarify that only loan information specific to the licensees' activities in South Dakota are required to be reported on the mortgage call report for South Dakota.

**Mr. Bret Afdahl** reviewed the proposed rules.

*Senator Vehle moved, seconded by Representative Gibson, to approve the rules proposed by the Department of Revenue and Regulation: Division of Banking. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Revenue and Regulation: Division of Insurance** – Amend rules to update sources; establish standards for long term care insurers for timely claims processing and an external review procedure; and require association plans operating in the individual market to file rates for approval.

**Mr. Randy Moses** reviewed the proposed rules.

In response to a question on the definition of "substantial assistance" as used in ARSD 20:06:21:01(5)(a), Mr. Moses stated he would provide the information to the committee.

*Senator Hunhoff moved, seconded by Senator Vehle, to approve the rules proposed by the Department of Revenue and Regulation: Division of Insurance. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Revenue and Regulation: Division of Insurance** – Amend risk pool appeal procedures.

**Mr. Moses** reviewed the proposed rule.

*Representative Gibson moved, seconded by Senator Vehle, to approve the rule proposed by the Department of Revenue and Regulation: Division of Insurance. Motion prevailed*

*unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Revenue and Regulation: Division of Insurance** – Amend a rule to allow for additional risk pool plan designs.

**Mr. Moses** reviewed the proposed rule.

*Representative Gibson moved, seconded by Senator Hunhoff, to approve the rule proposed by the Department of Revenue and Regulation: Division of Insurance. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Revenue and Regulation: Division of Insurance** – Amend Medicare Supplement Insurance rules to incorporate the new 2010 Medicare deductibles, incorporate 2010 NAIC Model revisions, and update the rules in accordance with federal regulations; and amend a Producer Licensing rule to amend continuing education timeframes.

**Mr. Moses** reviewed the proposed rules.

*Representative Gibson moved, seconded by Senator Vehle, to approve the rules proposed by the Department of Revenue and Regulation: Division of Insurance. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Revenue and Regulation: South Dakota Lottery Commission** - Amend rules to authorize the Lottery upon initial application to license retailers to sell both on-line and instant tickets by taking advantage of technology that is now available to the Lottery with the new online gaming system and related products and service contract, to set the fees for on-line and instant license applications and annual license renewal, to set communications fees retailers licensed after July 1, 2010 will be required to pay, and to set sales benchmarks for retailers to meet to obtain a credit for the communications fees.

**Mr. Joe Willingham** reviewed the proposed rules.

*Senator Vehle moved, seconded by Representative Gibson, to approve the rules proposed by the Department of Revenue and Regulation: South Dakota Lottery Commission. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Attorney General: Law Enforcement Officers Standards and Training Commission** – Amend a rule to provide for the issuance of a certificate to a canine team upon completion of certification standards and repeal a rule to clarify the Commission's decision on only accepting authorized individuals into training programs.

**Mr. Paul Bachand**, Pierre, Legal Counsel for the Law Enforcement Officers Standards and Training Commission, reviewed the proposed rules.

Representative Lust requested that the minutes be more complete in the future.

*Representative Gibson moved, seconded by Representative Hunt, to approve the rules proposed by the Attorney General: Law Enforcement Officers Standards and Training Commission. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Education: Board of Education** – Amend rules to require all public school districts operating preschool programs to submit student enrollment data for their preschool students effective with the 2010-2011 school year and to provide for timelines and definitions.

**Ms. Tami Darnall** reviewed the proposed rules. She noted that the definition of a preschool was strictly for data collection purposes.

### **Public Testimony**

**Ms. Susan Smit**, Wagner, Superintendent of Wagner Community School, spoke in support of the proposed preschool data collection rules. She explained how the proposed rules would affect their school district.

**Mr. Darrell Mueller**, Lake Andes, Superintendent of Andes Central School District, spoke in support of the proposed preschool data collection rules. He explained how the data collection would reduce the per pupil expenditure cost.

**Mr. Tom Cameron**, White River, Superintendent of White River School District, spoke in support of the proposed preschool data collection rules.

Representative Hunt voiced concerns with having a definition of a preschool in rule when there is not a definition in statute.

*Senator Hundstad moved, seconded by Representative Gibson, to approve the rules proposed by the Department of Education: Board of Education.*

*Representative Hunt moved a substitute motion, seconded by Senator Hunhoff, to approve all of the rules proposed by the Department of Education: Board of Education with the exception of ARSD 24:17:01:07 which be sent back to a prior step based on SDCL 1-26-4.7 (7). Motion failed on a roll call vote with 2 ayes, 4 nays. Members voting aye: Hunhoff and Hunt. Members voting nay: Gibson, Hundstad, Lust, and Vehle.*

*Senator Hundstad's motion prevailed on a roll call vote with 4 ayes, 2 nays. Members voting aye: Gibson, Hundstad, Lust, and Vehle. Members voting nay: Hunhoff and Hunt.*

**Department of Game, Fish and Parks** – Amend Custer State Park Restrictions rules to preclude any person who received a Custer State Park "any whitetail deer plus antlerless whitetail deer" license or a Custer State Park "any antelope" license in any of the preceding 9 years from applying for a similar license in that season; repeal the rule providing for a weighted preference system for persons who apply for but are unsuccessful in receiving an elk or big horn sheep license; and add a new rule establishing restrictions on hunting from roads in Custer State Park; amend a Pheasant Hunting Season rule to establish season dates, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date for the Sand Lake National Wildlife Refuge from December 31 to the first Sunday of January; amend Antelope Hunting Season rules to establish season dates, requirements and restrictions, types and numbers of available licenses, open units and shooting hours; remove the conversion of any unsold or unfilled tags that convert to "doe/kid" antelope" tags in Units 15, 35, 49, and 53 during the West River deer season; and, at the conclusion of the firearms antelope season, would allow all unsold or unfilled tags to convert to "doe/kid antelope" licenses which would be valid for 9 consecutive days beginning on the Saturday following Christmas; amend a Black Hills Elk Hunting Season rule to establish season dates for "any elk" and "antlerless elk" (first and second season) licenses, types, and numbers of available licenses, requirements and restrictions, open units, and shooting hours; and adjust the number of licenses available from 605 "any elk" and 760 "antlerless elk" licenses (total of 1,365 licenses) to 495 "any elk" and 570 "antlerless elk" licenses (total of 1,065 licenses); amend a Custer State Park Elk Hunting Season (any elk) rule to establish season dates for Custer State Park "any elk" licenses and adjust the number of licenses available from 36 licenses to 21 licenses; amend a Custer State Park Early Archery Elk Hunting Season rule to establish season dates for the Custer State Park "any elk" archery licenses, open areas, requirements and restrictions, and adjust the number of licenses available from 8 licenses to 5 licenses; amend a Mourning Dove Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date from October 31 to November 9; amend an Archery Elk Hunting Season rule to establish season dates for "any elk" and "antlerless elk" (Black Hills Units and Unit 30A) licenses, types and numbers of available licenses, requirements and restrictions, open units, and shooting hours; adjust the number of licenses available from 114 "any elk" and 71 "antlerless elk" licenses (total of 185 licenses) to 96 "any elk" and 49 "antlerless elk" licenses (total of 145 licenses); amend a Special Custer State Park Antlerless Elk Hunting Season rule to establish season dates for the special Custer State Park "antlerless elk" (Units 1 and 2) licenses, requirements and restrictions, open units, shooting hours, and adjust the number of licenses available in Unit 2 from 20 licenses to 5 licenses; amend a Custer State Park Late Archery Elk Hunting Season rule to establish season dates for the Custer State Park late archery elk hunting licenses, requirements and restrictions, open areas, shooting hours, and adjust the number of "any elk" licenses available from 50 licenses to 30 licenses; amend a Black Hills Big Horn Sheep Hunting Season rule to establish eligibility requirements and restrictions, season dates, open units, shooting hours, and number of available licenses; adjust the season ending date from November 30 to December 31; and amend a Prairie Elk Hunting Season rule to establish season dates for "any elk" and "antlerless elk" (Units 09A, 11A, 11B, 11C, 15A, and 30A) licenses, types and numbers of available licenses, requirements and restrictions, open units and shooting hours; and adjust the number of licenses available from 45 "any elk" and 86

"antlerless elk" licenses (total of 131 licenses) to 50 "any elk" and 86 "antlerless elk" licenses (total of 136 licenses).

**Mr. Doug Hofer** and **Mr. Tony Leif** reviewed the proposed rules.

*Representative Gibson moved, seconded by Representative Hunt, to approve the rules proposed by the Department of Game, Fish and Parks. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Department of Game, Fish and Parks** – Amend Licensing Agents rules to establish definitions for "licensing agent" and "license fees;" remove obsolete language from the existing rule; establish a department timeline for distribution of invoices to licensing agents for previous month's sales to license agents; establish a timeline for licensing agents' payment to department for fees collected; create new rules establishing the guidelines for disconnection and interest charges for licensing agents past due on payments owed to the department for license sales, establishing the requirements of use of Emergency Authorization licenses, and establishing the value for lost or stolen Emergency Authorization licenses; and update language of rule for filling out license applications in order to incorporate the needs of the automated licensing system; amend a Uses of Parks and Public Lands rule to define "camper units" and subject "camper units" along with "persons and groups" to the 15-day limit imposed on the length of a camping stay in a state park, state recreation area or state lakeside use area; amend a License Forms and Fees rule to include subscription holders as a list type for the purpose of list requests, and establish provisions that governmental entities may obtain lists free of charge, and that political parties and elected officials are required to pay full-fee charges to obtain license and subscription holder lists; amend an Archery Restrictions rule to allow archery hunters to use and possess mechanical broadheads with a cutting diameter no greater than 2 inches; amend Waterfowl Hunting Seasons rules to establish an August Management Take to allow for the taking of resident Canada geese as authorized by the U.S. Fish and Wildlife Service and to establish a resident only license, season dates, open areas (Brookings, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Lake, McCook, Marshall, Minnehaha, Moody and Roberts counties), daily bag and possession limits, and requirements and restrictions, including establishing shooting hours and requiring a state migratory bird certification (federal waterfowl stamp would not be required); and amend a Dog Training rule to transfer authority to issue special permits to individuals who use horses to train dogs on publicly owned land from the department to the government agency that holds land management authority over the publicly owned land.

**Mr. Chris Petersen**, **Mr. Hofer**, and **Mr. Leif** reviewed the proposed rules.

*Representative Lust moved, seconded by Representative Gibson, to approve the rules proposed by the Department of Game, Fish and Parks. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.*

**Mr. Hofer** informed the committee that the Game, Fish and Parks Commission had denied Mr. Weiss' petition to allow bow fishing in state parks from May to September.

### **Committee Discussion**

The discussion regarding Senate Bill 155 (*An Act to revise the rules promulgation process for administrative rules with a financial impact upon political subdivisions of state government*) was continued from the April meeting. Following a brief discussion, it was the consensus of the committee that SB 155 was redundant and not necessary.

*Representative Gibson moved, seconded by Senator Hunhoff, that staff draft legislation to repeal SB 155. Motion prevailed on a voice vote.*

### **Next Meeting**

The next meeting of the Interim Rules Review Committee will be held on Tuesday, July 20, 2010.

### **Adjournment**

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

Chair Hunt adjourned the meeting at 4:29 p.m.

