



Legislative Research Council

RULES REVIEW COMMITTEE MINUTES

**Three hundred sixth meeting
Tuesday
July 20, 2010**

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

The three hundred sixth meeting of the Rules Review Committee was called to order by Chair Representative Roger Hunt at 10:15 a.m. CST, July 20, 2010, in Room 414 of the State Capitol, Pierre, South Dakota and via the Digital Dakota 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 108, Rapid City, South Dakota; University Center, 2205 Career Ave., Room 282 S, Sioux Falls, South Dakota; and Department of Transportation, 1306 W. 31st St., Yankton, 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. 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 Gibson, that the minutes of the June 8, 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 Health: Board of Massage Therapy – Amend rules to provide standards for the training schools, a third choice for a national examination, and over-all clarification of several rules.

Ms. Joyce Vos, Executive Secretary, and **Ms. Laura Woitte**, Chair of the Board of Massage Therapy, reviewed the proposed rules.

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

Department of Agriculture: Agronomy Services – Amend Apiary rules regarding entrance permits, inspections, and contested case procedures.

Mr. Bob Reiners reviewed the proposed rules.

Representative Gibson commented that she had shared the proposed rules with the owners of McClain Honey, George and Deb McClain. They support the amendments to the rules.

Representative Gibson moved, seconded by Representative Hunt, to approve the rules proposed by the Department of Agriculture: Agronomy Services. 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 Life Insurance rule to prohibit the inclusion of exclusionary riders on life insurance policies without the insured's consent and adopt External Review rules to ensure that life insurance policyholders are aware of any policy changes that would affect them and have the opportunity to reject changes proposed by their insurance company.

Mr. Randy Moses reviewed the proposed rules. The comment period was extended until July 30th for the External Review rules; thus they will be presented to the committee at the August 31st Interim Rules Review meeting. Mr. Moses also noted that a citation in ARSD 20:06:08:48 was incorrectly listed as ARSD 58-14-5. The correct citation should be ARSD 58-15-45 and will be corrected prior to filing with the Secretary of State.

Senator Vehle moved, seconded by Senator Hunhoff, to approve the rules proposed by the Department of Revenue and Regulation: Division of Insurance with the correction being made to ARSD 20:06:08:48. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Gibson, Hundstad, Hunhoff, Hunt, Lust, and Vehle.

Department of Transportation – Amend a speed zone in Lawrence County on U.S. Highway 14A near the north city limits of Deadwood that is being extended through an area with heavy traffic entering and leaving the highway; amend a speed zone in Union County on Interstate 29 Business Loop at Exit 15 that is being extended through an area of development; repeal a speed zone in Union County on Interstate 29 Business Loop at Exit 15 due to it being incorporated into another rule; and amend rules to authorize geographical significant site reference centers to be eligible for interstate traffic generating facility signage.

Mr. Bill Nevin reviewed the proposed rules. It was noted that the speed zone rule pertaining to Lawrence County has been withdrawn from this package of rules.

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

Department of Education: South Dakota Professional Teachers Practices and Standards Commission – Amend rules to add sections to the Code of Ethics for Teachers that prohibits sexual activity with students and require that teachers exemplify high moral standards; and to accurately refer to the Secretary of the Commission as the Executive Secretary.

Mr. Paul Bachand, Pierre, Attorney for the Commission, reviewed the proposed rules.

Representative Gibson moved, seconded by Senator Hundstad, to approve the rules proposed by the Department of Education: South Dakota Professional Teachers Practices and Standards Commission. 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 Fall Wild Turkey Hunting Season rules to establish season dates, shooting hours, open units, requirements, and restrictions; establish the number and types of licenses available which will include offering 835 fewer resident one-tag and 730 more resident two-tag "any turkey" licenses in East River Prairie Units; consolidate the Stanley County Unit into the West River Prairie Unit; and create units for Deuel and Moody counties for the East River Prairie Season in which hunters may only use a shotgun with shot shells, a muzzle loading shotgun, or a bow and arrow; amend Black Hills Deer Hunting Season rules to establish season dates, shooting hours, open units, and requirement and restrictions; establish the number and types of resident and nonresident licenses available which will include offering residents 100 fewer and nonresidents 8 fewer "any deer" licenses than 2009; offering residents 500 fewer and nonresidents 40 fewer "any whitetail deer" licenses than 2009; offering residents 300 fewer and nonresidents 24 fewer "antlerless deer" licenses than 2009; and offering residents 1,400 fewer and nonresidents 112 fewer "antlerless deer" licenses than 2009; and offering residents 1,400 fewer and nonresidents 112 fewer "antlerless whitetail deer" licenses than 2009; amend West River Prairie Deer Season rules to establish season dates, shooting hours, open areas, requirements and restrictions; establish the number and types of resident and nonresident licenses/tags available, which will include adjusting resident license numbers by decreasing resident one-tag licenses by 500, increasing resident two-tag licenses by 3,150 (6,300 tags), and decreasing resident three-tag licenses by 4,520 (13,560 tags) compared to 2009; adjusting nonresident license numbers by decreasing nonresident one-tag licenses by 40, increasing nonresident two-tag licenses by 252 (504 tags), and decreasing nonresident three-tag licenses by 362 (1,086 tags) compared to 2009; clarify that Unit WRD-58D (not Unit WRD-58B) is excepted from the eight percent limitation on the maximum number of licenses which may be issued to nonresident applicants; change the reference in the unit boundary description for Unit WRD-02A from "Viewfield-Hereford Rd" to "New Underwood Rd;" and

create application requirements for qualifying farmers and ranchers to apply for and receive two free antlerless deer licenses as authorized by legislation passed during the 2010 legislative session; amend a Mink, Weasel, and Muskrat Trapping Season rule to establish season dates, open area, requirements and restrictions, and extend the date that trapping can occur on muskrat houses to March 15; amend Trapping Prohibitions rules to prohibit people from attempting to claim trap locations on public road right-of-ways or public land prior to the start of the mink season and is intended to provide all people an equal opportunity to trap mink on public road right-of-ways or public land; amend a Private Shooting Preserves rule to allow for the removal of the head, leg and sufficient plumage from birds harvested on a licensed private shooting preserve with certain restrictions; and amend a Captive Game Birds rule to add quail to the list of those game birds excluded from the identification marking requirement.

Mr. Emmett Keyser reviewed the proposed rules.

Senator Hunhoff moved, seconded by Representative Lust, 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 Waterfowl Hunting Seasons and Early Fall Canada Goose Hunting Season rules to establish season dates, requirements and restrictions, shooting hours, open area, bag and possession limits; increase the daily bag limit from 5 to 8 geese and the possession limit from 10 to 16 geese; repeal the rule which prohibits nonresidents from hunting in the counties of Beadle, Brookings, Hanson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, and Union; and modify the boundaries of Units 1 and 2 along the Missouri River to allow additional early season harvest of resident Canada geese; amend an East River Deer Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and number of licenses/tags available; and designate the areas where qualifying landowners/ranchers may use the two free antlerless deer tags authorized by the 2010 Legislature as being those units where licenses remain available following the second drawing; amend an Antelope Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and number of resident and nonresident licenses/tags available; and amend a National Wildlife Refuge Deer Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, establish the number of resident and nonresident licenses/tags available; allow any hunter possessing a valid "antlerless deer" tag in any Sand Lake hunting unit to hunt from one-half hour before sunrise to one-half hour after sunset each day for 9 consecutive days beginning on the Saturday following Christmas; and beginning on the Saturday following Christmas, all valid tags for "any deer" in sold and unsold licenses shall become "antlerless deer" tags, respectively.

Mr. Keyser reviewed the proposed rules. It was noted that the repeal of ARSD 41:06:50:04 regarding non-resident early fall Canada Goose Hunting Season had been withdrawn from the rules package.

Senator Hundstad 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.

Next Meeting

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 31, 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 12:29 p.m.



All Legislative Research Council committee minutes and agendas are available at the South Dakota Legislature's Homepage: <http://legis.state.sd.us>. Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).