



# Legislative Research Council

## RULES REVIEW COMMITTEE

### AGENDA

Amended 7/5/2012

Senator Jean M. Hunhoff, Chair  
Representative R. Shawn Tornow, Vice Chair

Three hundred twenty-third meeting  
Tuesday  
July 10, 2012

Room 414  
State Capitol  
Pierre, South Dakota

#### Other DDN Site Locations:

Department of Human Services  
2361 Dakota Ave. S  
Huron, South Dakota

SD School of Mines & Technology  
501 E. St. Joseph St., Room CB 109  
Rapid City, South Dakota

University Center  
4801 N. Career Ave., Room FADM 153  
Sioux Falls, South Dakota

Department of Transportation  
1306 W. 31<sup>st</sup> St.  
Yankton, South Dakota

*Agencies are asked to have a representative present at the meeting  
to give background information on their rules.*

9:00 a.m.\* Call to order, roll call, approval of minutes, staff report

Review of proposed rules

#### Senator Hunhoff

Department of Health: Health Systems Development and Regulation – Repeal the health professional recruitment incentive program rules and adopt rules to establish a program to assist rural health care facilities in the recruitment of certain health care professionals.

Governor's Office of Economic Development: Board of Economic Development – Amend rules to provide for a permanent credit committee, along with other committees, of the Board of Economic Development, and to grant certain powers to the credit committee; and to repeal the Tourism Enhancement Program.

#### Senator Vehle

Department of Agriculture: State Brand Board – Adopt rules to increase the fee for replacing a duplicate brand certificate and increase the per head inspection fee for livestock ownership inspection.

Department of Game, Fish and Parks – Amend Fall Wild Turkey Hunting Season rules to establish the number and types of licenses available in the East River Prairie and Black Hills

units and close Harding and Turner counties to fall turkey hunting; amend a Waterfowl Hunting Seasons (Goose Hunting Season – August Management Take) rule to expand the open area to include Brown, Hutchinson, Spink and Turner counties; amend Black Hills Deer Hunting Season rules to establish the number and types of licenses available; amend West River Prairie Deer Season rules to eliminate the Fall (September 29, 2012 – October 14, 2012) west river "antlerless deer" season, establish the number and types of licenses/tags available, modify the boundary description for Unit WRD 27L to add some additional public lands adjacent to the Cheyenne River and Angostura Reservoir and to make the unit boundary more easily identifiable for hunters, and provide that only unfilled "antlerless deer" and "antlerless whitetail deer" tags are valid during the antlerless deer season extension beginning the Saturday after Christmas; amend Archery Deer Hunting Season rules and a Uses of Parks and Public Lands rule to add Brookings, Deuel, Hamlin and McCook counties to the restricted area where only one (1) single-tag antlerless deer license is valid, provide that "any antlerless deer" licenses are not valid for the Sand Lake NWR, allow 45 "antlerless deer" and 5 "any deer" resident licensees to hunt deer at the Adams Homestead and Nature Preserve and 5 "antlerless deer" and 5 "any deer" resident licensees to hunt deer at the Blood Run Nature Area through "Access Permits" issued via lottery drawing by the Department, and allow an individual to possess an uncased bow and allow the use of bow and arrow to hunt deer and turkey within the Blood Run Nature Area; amend an Archery Antelope Hunting Season rule to eliminate the two-tag license valid for one "any antelope" and one "doe-fawn antelope", and adjust the open area to include those portions of Custer and Pennington counties within the Black Hills Fire Protection District (except Custer State Park) and issue 5 special access permits via lottery drawing to those licensees who possess a valid "any antelope" resident archery license; amend a Youth Deer Hunting Season rule to add Brookings, Codington, Deuel, Grant, Hamlin, Lake, Lincoln, McCook, Minnehaha, Moody, Roberts, Turner, and Yankton counties to the restricted area where only one youth deer license is valid; amend a General Muzzleloading Deer Hunting Season rule and Hunting Requirements and Prohibited Methods rules to add Brookings, Deuel, Hamlin, and McCook counties to the restricted area where only one (1) single tag "antlerless deer" license is valid; amend Furbearer Seasons rules to authorize a limited season in certain counties (Buffalo, Brule, Charles Mix, Bon Homme, and Yankton) east of the Missouri River with a limit of one (1) bobcat per trapper or hunter and establish a limited hunting season for muskrats; and amend Trapping Prohibitions rules to change the date that traps may be placed prior to the mink season, clarify the dimensions of colony traps used for muskrat trapping, and require on public lands and public road rights-of-ways statewide, the body grip traps with an opening greater than 36 sq. inches (larger than 160 Conibears) when used in conjunction with any bait, lure, or scent be recessed a minimum of seven inches in cubbies, baited box traps, or bucket traps; and consolidate and repeal rules to eliminate redundancy throughout the administrative rules of the department.

Department of Game, Fish and Parks – Adopt an EMERGENCY rule to amend ARSD 41:09:04:03 for the purpose of closing the East Vermillion River, West Vermillion River, and Firesteel Creek below Lake Mitchell to the commercial taking of bait and noncommercial taking of bait by lawful anglers. (*This is for informational purposes only, no committee action is necessary.*)

Department of Game, Fish and Parks – Adopt EMERGENCY rules to amend ARSD 41:06:16:07 to start the August Management Take of Canada geese on the first Saturday of August (August 4, 2012) and amend ARSD 41:06:16:09 to increase the daily bag limit to 15 Canada geese. (*This is for informational purposes only, no committee action is necessary.*)

## **Senator Buhl**

Department of Labor and Regulation: Division of Insurance – Amend rules to incorporate the new 2012 Medicare coverage amounts and allow for insurers to utilize persons other than insurance agents to complete applications for insurance

## **Representative Gibson**

Department of Social Services: Division of Medical Services – Amend rules to update and clarify the basis of reimbursement for inpatient services and certain outpatient services and replace the term "average wholesale price" with "consolidated price."

## **Representative Hunt**

Secretary of State – Adopt rules to establish forms and procedures necessary for the issuance of a certificate of authorization to provide postsecondary education.

Department of Public Safety – Adopt EMERGENCY rules to temporarily permit the sale of 85 Octane gasoline on an emergency basis throughout South Dakota but to require accurate labeling as well as mandatory cautionary labeling and to require basic record keeping in accordance with already enacted federal regulations. (*This is informational only, no committee action is necessary.*)

## **Representative Tornow**

Office of Attorney General: 24/7 Sobriety Program – Amend rules to change the time period for inspection and calibration testing of ignition interlock devices and amend the monitoring fees of ignition interlock devices.

1:30 p.m. Adjourn

\* Breaks will be at the call of the chair.

**NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission.**

**Members:** Senators Angie Buhl, Jean M. Hunhoff, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and R. Shawn Tornow.

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