

MINUTES

Rules Review Committee



Senator Mike Vehle, Chair

Representative Timothy Johns, Vice Chair

Three hundred fifty-sixth meeting

Tuesday

April 12, 2016

Room 414

State Capitol

Pierre, South Dakota

Other DDN Site Location:

SD School of Mines & Technology

501 E. St. Joseph St., Public Room

Rapid City, South Dakota

The three hundred fifty-sixth meeting of the Rules Review Committee was called to order by Senator Mike Vehle (Chair) at 10:00 a.m., CT, on April 12, 2016, in Room 414 at the State Capitol, Pierre, South Dakota and via the Digital Dakota Network (DDN) at the following location: South Dakota School of Mines and Technology, 501 E. St. Joseph St., Public Room, Rapid City, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford and Mike Vehle (Chair) and Representatives Peggy Gibson, Jean Hunhoff, and Timothy Johns (Vice Chair). Senator Phyllis Heineman was excused. Staff members present were Doug Decker, Code Counsel, and Paul Giovanetti, 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 recorded by South Dakota Public Broadcasting. The archived recording is available at the LRC website at <http://legis.sd.gov> under "Interim."

Approval of Minutes

Representative Gibson moved, seconded by Representative Hunhoff, that the minutes of the December 14, 2015, meeting be approved. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Representative Johns moved, seconded by Representative Gibson, that the minutes of the March 9, 2016, meeting be approved. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Rules Reviewed

Department of Game, Fish and Parks – Amend an Application for License rule to authorize the Department Secretary to authorize a terminally ill resident to hunt deer, antelope and turkey during established seasons under certain terms and conditions. *(This rule had been filed.)*

Mr. Tony Leif reviewed the proposed rule.

No committee action was needed.

Department of Game, Fish and Parks – Amend a Refuges rule to eliminate the Dry Creek State Waterfowl Refuge.

Mr. Leif reviewed the proposed rule.

Representative Johns moved, seconded by Representative Gibson, that the review of the rule proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Department of Game, Fish and Parks – Amend Uses of Parks and Public Lands rules to address property that may be left on department lands and create an allowance for portable blinds on department lands and regulate their placement and define and allow use of trail cameras on department lands and regulate their placement; amend Application for License rules to allow an individual to use preference points in the second drawing for elk hunting seasons; amend a Hunting Requirements and Prohibited Methods rule to allow a person to hunt cottontail rabbit, squirrel and predator/varmints with an air gun that is factory-rated to produce a muzzle velocity of no less than 600 feet per second; amend a Goose Hunting Season (August Management Take) to remove all counties from the open area other than that portion of Pennington County west of the Cheyenne River; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available, make adjustments to existing antlerless hunting units and create new antlerless elk hunting units, set season dates, and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit; amend Custer State Park Elk Hunting Season (Any Elk) rules to adjust the number of licenses available and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit; amend Custer State Park Early Archery Elk Hunting Season rules to adjust the number of licenses available and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit; amend Archery Elk Hunting Season rules to adjust the number of licenses available and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit; amend Special Custer State Park Antlerless Elk Hunting Season rules to modify the unit boundaries and change the season dates for CAE-CU1 and CAE-CU2, increase the number of "antlerless elk" licenses, repeal Unit CAE-ZZ1, and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit; amend Early Fall Canada Goose Hunting Season and Waterfowl Hunting Seasons rules to modify the boundaries of Units 1 and 2 and change the start date from September 1 to the first Saturday of September; amend Prairie Elk Hunting Season rules to adjust the number of licenses available, amend the unit boundary for Unit 9A, change the season dates for Unit 15A and Unit 27A, and remove the language in administrative rule depicting the license type and number of licenses from each hunting unit; and amend Custer State Park Non-Trophy Bison Harvest rules to change the season dates and reduce the number of cow licenses.

Mr. Leif reviewed the proposed rules. It was noted that the proposed change to ARSD 41:06:04:17 (air gun specifications) had been removed from the proposed rules.

Representative Gibson moved, seconded by Representative Hunhoff, that the review of the rules proposed by the Department of Game, Fish and Parks is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Department of Revenue: Commission on Gaming – Amend Gaming rules to add a new version of blackjack (Bonus Spin Counts Kustom Blackjack) to the list of authorized blackjack games; add new pay tables and revise the rules in accordance with the new pay tables for Dead Man's Hand Blackjack; add a variation of the play of blackjack known as Bonus Spin Counts Kustom Blackjack; amend a rule The Play – Ultimate Texas Hold'em to recognize that bets cannot exceed \$1,000 bet limit; and amend a Control Program Requirements rule to change the number of recalls for play history from two to ten games.

Mr. Larry Eliason, Executive Secretary, and **Mr. Tim Engle**, Attorney representing the Commission on Gaming, reviewed the proposed rules.

Public Testimony

Mr. Mark Dunow, Deadwood, Dunow Gaming LLC, presented proponent testimony to the proposed rules regarding Dead Man's Hand Blackjack.

Mr. Mike Rodman, Deadwood, Deadwood Gaming Association, presented proponent testimony to the proposed rules.

Representative Gibson moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Revenue: Commission on Gaming is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Bureau of Administration – Amend rules to increase the maximum fees chargeable for legal publications required by state law.

Mr. Scott Bollinger reviewed the proposed rules.

Public Testimony

Mr. David Bordewyk, Brookings, South Dakota Newspaper Association, presented proponent testimony to the proposed rules.

Representative Gibson moved, seconded by Senator Bradford, that the review of the rules proposed by the Bureau of Administration is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Bureau of Human Resources: Civil Service Commission – Amend a rule to allow the NGB22 form to be submitted to verify veterans' preference.

Ms. Ellen Zeller reviewed the proposed rule.

Representative Hunhoff moved, seconded by Representative Gibson, that the review of the rule proposed by the Bureau of Human Resources: Civil Service Commission is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Department of Health: Board of Medical and Osteopathic Examiners – Amend rules to update outdated language and create rules for continuing education requirements for licensed nutritionists and dietitians.

Mr. Tyler Klatt reviewed the proposed rules.

Senator Vehle moved, seconded by Representative Johns, that the review of the rules proposed by the Department of Health: Board of Medical and Osteopathic Examiners is complete. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bradford, Gibson, Hunhoff, Johns, and Vehle. Member excused: Heineman.

Next Meeting Date

The next meeting of the Interim Rules Review Committee will be on Wednesday, June 1, 2016.

Adjournment

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

Chair Vehle adjourned the meeting at 12:25 p.m.