



Legislative Research Council

RULES REVIEW COMMITTEE MINUTES

Two Hundred Sixty-third Meeting
Tuesday
October 18, 2005

Room 413
State Capitol Building
Pierre, South Dakota

The two hundred sixty-third meeting of the Rules Review Committee was called to order by Chair Representative Jean Hunhoff at 9:00 a.m. CT, October 18, 2005, 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, Jim Hundstad (appearing telephonically) and Orville Smidt (Vice-Chair); Representatives Roger Hunt, Jean Hunhoff (Chair), and Bill Thompson.

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

Representative Thompson asked that a correction be made to the September 20, 2005, minutes - on page 6, line 13, "commission" be replaced with "consumer". *Representative Hunt moved, seconded by Senator Bogue, that the minutes of the September 20, 2005, meeting be approved as amended. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Bogue, Hundstad, Hunhoff, Hunt, Smidt, and Thompson.*

Rules Reviewed

Department of Health - Adopt rules to establish the reporting requirements for hospitals to report median charge data to the department for their top 25 diagnostic related groups which have more than ten occurrences and the method and format that the department will make this information available to the public.

Mr. Jerry Hofer and **Ms. Kathi Mueller** explained the proposed rules. The rules are the result of SB 169 from the 2005 Legislative Session. The department plans to post the information on its Web site in the spring 2006.

Representative Hunhoff voiced concerns that there is not a date certain for the posting of the information on the Web site in the rules.

Public Testimony

Mr. Ken Senger, Sioux Falls, representing the South Dakota Association of Healthcare Organizations, testified in support of the proposed rules.

Senator Bogue moved, seconded by Representative Thompson, to approve the rules proposed by the Department of Health. Motion prevailed on a roll call vote with 5 ayes, 1 excused. Members voting aye: Bogue, Hunhoff, Hunt, Smidt, and Thompson. Excused: Hundstad.

Department of Health - Adopt and amend rules to define reporting cancer cases and use of cancer data for an expanded registry.

Ms. Laurie Gill and **Ms. Mynna Kightlinger** reviewed the proposed rules. Additional written testimony from Ms. Kay Santema dated October 3, 2005, and the department's response dated October 12, 2005; Cancer Data Collection Rule Amendments; and an Explanation of changes were distributed and explained to the committee (**Documents 1, 2, and 3**).

Representative Hunt commented that the changes made to ARSD 44:22:02:10 makes the word "entity" too broad. He suggested that the department add a definition of "entity."

Senator Smidt moved, seconded by Senator Hundstad, to approve the rules proposed by the Department of Health. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Bogue, Hundstad, Hunhoff, Hunt, Smidt, and Thompson.

Department of Game, Fish and Parks - Repeal the Cow Creek State Waterfowl Refuge on the Missouri River and amend the West River Prairie Deer Season in Gregory and Mellette Counties.

Mr. Doug Hansen reviewed the proposed rules.

Senator Hundstad 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: Bogue, Hundstad, Hunhoff, Hunt, Smidt, and Thompson.

Department of Revenue and Regulation: Property Tax Division – Amend a rule to revise the formula to determine agricultural land value when there are insufficient sales.

Mr. Michael Kenyon explained the changes the department had made to the proposed rule since the September 20th meeting.

Senator Bogue moved, seconded by Representative Hunt, to approve the rule proposed by the Department of Revenue and Regulation. Motion prevailed unanimously on a roll call vote with 6 ayes. Members voting aye: Bogue, Hundstad, Hunhoff, Hunt, Smidt, and Thompson.

Department of Revenue and Regulation – Amend a rule to tax a retail sale made by one florist, delivered by another florist, where the delivery is made, beginning January 1, 2006.

Mr. Scott Peterson reported that the Streamline Sales Tax Committee voted on October 1st to delay the requirement for the way florists collect sales tax until January 1, 2008. The department withdrew the proposed rule and may propose amendments for the rule at a later date.

Meeting Schedule

The next meeting for the Rules Review Committee will be on Tuesday, December 6, 2005, in Room 413 of the State Capitol in Pierre.

Representative Hunt moved, seconded by Senator Smidt, that the meeting be adjourned. Motion prevailed unanimously on a voice vote.

The chair adjourned the meeting at 10:13 a.m.

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