



SouthDakota

Legislative Research Council

Rules Review Committee Minutes

**Three hundred forty-fifth meeting
Wednesday
November 12, 2014**

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

The three hundred forty-fifth meeting of the Rules Review Committee was called to order by Representative Timothy Johns (Chair) at 9:03 a.m. CST, on November 12, 2014, in Room 414 at the State Capitol, Pierre, South Dakota, and via the Digital Dakota Network (DDN) at the following locations: Department of Human Services, 2361 Dakota Ave. S., Huron, South Dakota; Mitchell Technical Institute, 1800 E. Spruce, Room TC 155, Mitchell, South Dakota; and the University Center, 4801 N. Career Ave., Room FADM 145, Sioux Falls, South Dakota.

A quorum was determined with the following members answering the roll call: Senators Jim Bradford, Jean Hunhoff, and Mike Vehle (Vice Chair); and Representatives Peggy Gibson, Anne Hajek, and Timothy Johns (Chair). 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 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 Hajek, that the minutes of the September 16, 2014, meeting be approved. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Rules Reviewed

Department of Education: Board of Education – Amend Career and Technical Education rules to outline the purpose, process, criteria and conditions for grant applications and distribution of funds from the workforce education fund and update definitions within the article; and amend a Certification rule to remove the school library/media endorsement as a stand-alone certificate.

Ms. Tami Darnall and **Ms. Tiffany Sanderson** reviewed the proposed rules. It was noted that the board had removed the proposed changes to ARSD 24:15:03:08 regarding school library/media endorsement.

Senator Hunhoff moved, seconded by Representative Gibson, that the review of the rules proposed by the Department of Education: Board of Education is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Department of Agriculture: Division of Ag Development – Amend rules regarding the Farm Loan Mediation program and adopt rules for the expansion of the mediation program for federal lands mediation and oil and gas mediation.

Ms. Terri LaBrie reviewed the proposed rules.

Public Testimony

Ms. Silvia Christen, Rapid City, Executive Director, South Dakota Stockgrowers Association, testified in support of the proposed rules. It was noted that they had previously not supported the rules; however, they are willing to move forward with the rules. She stated there may be areas within the oil and gas mediation rules that may need to be tweaked down the road.

Representative Johns moved, seconded by Representative Hajek, that the review of the rules proposed by the Department of Agriculture: Division of Ag Development is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Department of Game, Fish and Parks – Amend Camping Permits and Rules to adjust the group lodging fee at Mina Lake State Recreation Area and Shadehill State Recreation Area to \$185 a night for the first eight persons regardless of age plus \$10 for each additional person regardless of age, with a maximum occupancy of 10 persons, and also adjust the group lodging fee at Lake Thompson State Recreation Area, Palisades State Park, Sheps Canyon State Recreation Area, and Newton Hills State Park to \$240 a night for the first 12 persons regardless of age plus \$10 for each additional person regardless of age, with a maximum occupancy of 15 persons; restrict camping cabin and rent-a-camper occupancy to the number of sleeping spaces provided, or one family with an extra tent, and define a single bed as one sleeping space, and a double or larger bed as two sleeping spaces; and establish a facility use fee of \$50 for the Palisades State Park event shelter located adjacent to the lodge.

Mr. Bob Schneider reviewed the proposed rules.

Representative Gibson moved, seconded by Representative Hajek, 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 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Department of Transportation – Amend a Speed Zone rule to extend an existing 35 mph speed zone on U.S. Highway 83 in Todd County beginning 0.3 mile south of the intersection of U.S. Highway 18 an additional 0.25 mile south.

Mr. Bill Nevin reviewed the proposed rule.

Representative Hajek moved, seconded by Representative Gibson, that the review of the rule proposed by the Department of Transportation is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Department of Labor and Regulation: Division of Insurance – Amend rules to update the Risk Based Capital reporting requirements for insurers and health organizations; update Annuity Mortality tables; update the mental health parity rules in order to be consistent with the final rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; and update standards for qualified health plans, minimum essential health benefits, and the sale of individual health insurance outside of an exchange.

Ms. Mallori Barnett reviewed the proposed rules. A typographical error was noted and will be corrected prior to filing the rules with the Secretary of State.

Representative Johns moved, seconded by Senator Vehle, that the review of the rules proposed by the Department of Labor and Regulation: Division of Insurance is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Department of Social Services: Division of Economic Assistance – Amend rules to repeal duplicative and obsolete rules, update outdated information, align rules with current practice, clarify language of certain rules, more specifically identify coverage groups, ensure compliance with federal regulations, and comply with changes due to the implementation of the Affordable Care Act.

Ms. Teresa Schulte and **Ms. Becky Janssen** reviewed the proposed rules.

Representative Hajek moved, seconded by Senator Hunhoff, that the review of the rules proposed by the Department of Social Services: Division of Economic Assistance is complete. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Next Meeting

The final interim meeting of the Interim Rules Review Committee will be on Tuesday, December 16, 2014.

Adjournment

Representative Hajek moved, seconded by Representative Gibson, that the meeting be adjourned. Motion prevailed on a roll call vote with 6 ayes. Members voting aye: Bradford, Gibson, Hajek, Hunhoff, Johns, and Vehle.

Chair Johns adjourned the meeting at 10:53 a.m.