



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

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

Three hundred sixteenth meeting
Tuesday
August 30, 2011

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Northern State University
1200 S. Jay St., Room Lib 117
Aberdeen, South Dakota

Mitchell Technical Institute
1800 E. Spruce, Room TC 155
Mitchell, 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 145N
Sioux Falls, South Dakota

Department of Transportation
1306 W. 31st St.
Yankton, South Dakota

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

9:15 a.m.* Call to order, roll call, approval of minutes, staff report

Review of proposed rules

Representative Tornow

Department of Education: Board of Education – Amend School Bus Standards and School Bus Procedures rules to make the rules current with the 2010 National School Transportation Specifications and Procedures and adopt a Professional Teachers rule to provide the content of teaching standards for teacher performance and evaluation.

Department of Labor and Regulation: State Plumbing Commission – Amend rules to make amendments in regard to plumbing installation practices as they relate to the 2009 Uniform Plumbing Code; revise commercial inspection fees to create a small commercial fee for buildings which have five or less plumbing fixtures which shall have a fee of one hundred dollars; and make revisions to expand acceptable course offerings for continuing education requirements.

Senator Buhl

Department of Labor and Regulation: Appraiser Certification Program – Adopt rules to require Appraisal Management Companies that oversee a network or panel of more than fifteen appraisers in the state or twenty-five or more nationally to register. The rules define terms; requires maintaining a roster of appraisal management companies registered; requires transmitting the roster to the Appraisal Subcommittee; requires notification of change of address; requires disclosure of designated officer and controlling person of the company; requires completion of an application and payment of a registration fee; requires nonresident consent to service of process for out of state companies; requires compliance with certain responsibilities and duties; requires retention of records; requires records to be available for inspection; requires acceptance of complaints for investigation by the state agency; establishes disciplinary actions allowed; and describes the grounds for disciplinary actions.

Department of Labor and Regulation: Division of Insurance – Amend a rule to require insurers to provide notice to policyholders about open enrollment and to include that information on their websites.

Representative Gibson

Department of Environment and Natural Resources: Board of Minerals and Environment – Amend Solid Waste rules to include definitions related to medical waste; repeal Medical Waste rules to eliminate redundancy; and amend Regional Haze Program rules to revise the emission limits for sulfur dioxide and nitrogen oxides to include periods of startup and shutdown for coal fired power plants such as Ottertail Power Company's Big Stone I facility, define a "30-day rolling average" and "operating day" for calculating emission rates, and revise monitoring, recordkeeping, reporting, and other miscellaneous requirements.

Department of Environment and Natural Resources: Water Management Board – Repeal the chapter on Construction of Control Facilities for water supply and treatment systems.

Representative Hunt

Department of Public Safety: Office of Weights and Measures – Amend a rule to include permissive language that, during the period from September 16 to November 30 each year, will allow South Dakota's gasoline "schedule of seasonal and geographical volatility classes" to exhibit our existing volatility standards or the standards in use in Minnesota, North Dakota, and Iowa.

Senator Vehle

Department of Agriculture: Animal Industry Board – Amend rules to remove dog and cat shows from the board's supervision; update current dates of reference materials; and repeal rules to relax requirements for paraciticide treatment of cattle imported from states not known to be infested with scabies.

Department of Agriculture: Division of Ag Development – Amend rules to make changes to certain agricultural finance programs to increase amounts, add new programs, and change criteria.

Department of Agriculture: Division of Agricultural Services – Amend rules to require bulk storage facilities to anchor new and reinstalled bulk pesticide tanks in case the secondary containment fills with a liquid, record keeping requirements for each pesticide and repackaging of pesticides, to eliminate the minimum gallons required for operational area containment, revise the definition of triple rinse, and to dismiss outdated rules pertaining to commercial applicator's and open burning of containers.

Department of Game, Fish and Parks – Amend East River Deer Hunting Season rules to establish number of licenses/tags available for the 2011 season and repeal the rule which designates areas where free antlerless deer licenses can be issued to farmers and ranchers for use in East River deer hunting units as this is being addressed in a new rule (ARSD 41:06:01:13); amend Antelope Hunting Season rules to establish number of resident and nonresident licenses/tags available for the 2011 season, eliminate the split seasons and go to one season for Units 49A and 49B (Meade/Pennington counties) and Units 35A and 35B (Harding Count), and eliminate the nine day extension beginning on the Saturday following Christmas which allows for the harvest of doe and fawn antelope; amend a Custer State Park Antelope Hunting Season rule to eliminate the 10 "doe/kid" antelope licenses previously available in Custer State Park; amend National Wildlife Refuge Deer Hunting Season rules to establish the number of resident and nonresident licenses/tags available for the 2011 season, and change "antlerless whitetail deer" licenses to "two-tag antlerless whitetail deer" licenses for LaCreek National Wildlife Refuge; and amend an Early Fall Canada Goose Hunting Season rule to adjust the season start date from "the Saturday closest to September 7" to "the first Saturday of September."

Department of Game, Fish and Parks – Amend Waterfowl Hunting Seasons (Duck Hunting Season) rules to increase the daily bag limit for redheads from 2 to 3 and the possession limit from 4 to 6 contingent upon the redhead harvest strategy at the Central Flyway level by the U.S. Fish and Wildlife Service; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the Canada goose daily bag limit from 3 to 4 and the possession limit from 6 to 8 contingent upon approval from the Central Flyway Council and U.S. Fish and Wildlife Service; and amend a Furbearer Season (Nonresident restrictions) rule to establish a 28 consecutive day furbearer license for nonresidents which must be exercised between the first Saturday of December through March 15.

12:00 p.m. Adjourn

*Break 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.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



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