



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Senator Royal "Mac" McCracken, Chair
Representative Jean M. Hunhoff, Vice Chair

Two hundred fifty-fourth meeting
Tuesday
December 7, 2004

Room 413
State Capitol
Pierre, 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

9:10 a.m. Review of proposed rules

Senator McCracken

Department of Transportation - Amend existing speed rules in Bon Homme County due to recent reconstruction of State Highway 37 and the addition of State Highway 37P into the City of Springfield; establish a speed limit in Bon Homme County for State Highway 37P in Running Water; extend a 45 mph speed zone in Hyde County on U.S. Highway 14 east of the junction with SD Highway 47 in Highmore; amend a speed zone in Lake County on U.S. Highway 81 from Madison west; and add a speed zone in Lake County on U.S. Highway 81 through Junius.

Department of Transportation: Railroad Board - Adopt a rule to clarify the information required from railroads that intend to claim property tax credits for qualifying capital investments in railroad infrastructure.

Department of Revenue and Regulation: Division of Banking - Amend and adopt rules to authorize banks to provide mobile banking services to their customers and to change the date when trust company license fees are due.

Department of Agriculture - Amend rules to reduce the tonnage inspection fee for fertilizer and feed products distributed in South Dakota.

Representative Hunhoff

Department of Health - Adopt and amend rules to add pediatric influenza deaths to the list of reportable events and simplify the "standard precautions" disease control measure section.

Attorney General: Law Enforcement Officers Standards and Training Commission: Adopt rules to provide for the terms and conditions upon which a license as a computer voice stress analyzer will be issued or may be revoked or denied; amend rules that will restrict the appointing authorities eligible to make application to allow a rejected applicant to reapply for law enforcement certification, limit the occasions upon which law enforcement certification will expire, reduce the number of subject areas of the basic training course, clarify the application of restrictions on student conduct, reduce the subject areas of the 911 telecommunicator training program, clarify hours that are included in reportable duty hours for reserve law enforcement officers, change the license period from one to three years for polygraph examiners, clarify the remedies available to the commission for a law enforcement officer that has engaged in misconduct, change the burden of proof in proceedings to revoke or suspend law enforcement certification, restrict the appointing authorities available to request a rejected applicant be allowed to reapply for certification as a 911 telecommunicator, limit the occasions upon which certification as a 911 telecommunicator expires, clarify the application of restrictions on student conduct, clarify the remedies available to the commission for a 911 telecommunicator that has engaged in misconduct, and change the burden of proof in proceedings to revoke or suspend 911 telecommunicator certification.

Senator Bogue

Department of Education: Board of Education - Amend rules to (1) align the rule to current statutes and remove the State Board of Education from the exemption process; (2) change the new technical education program proposal deadline to April 1; (3) create definitions for the proposed three high school courses of study; and (4) define the requirements of the proposed three high school courses of study.

Department of Education: Professional Teacher Practices and Standards Commission - Amend rules that will place all licensure actions regarding teaching certificates, licenses, and other credentials incurred in South Dakota on the National Associations of State Directors of Teacher Education and Certification database, and to notify other states of certification violations and actions taken against South Dakota certification holders.

10:30 a.m. Break

Representative Engels

Secretary of State: Board of Finance - Amend rules to increase per diem rates for meal expenses incurred by employees traveling both in-state and out-of-state on official business.

Department of Labor: Board of Accountancy - Amend rules to carry out the functions of the nationally adopted continuing professional education standards, following approval by the Legislature for implementation July 1, 2005.

Department of Health: Board of Examiners in Optometry - Amend rules to establish that the date and place for examinations is to be fixed by the National Board of Examiners in

Optometry; change the amount of the application fee and fee paid upon issuance of certificate; revise the rules relating to the scope of practice; authorize one annual renewal fee of \$175, instead of the two separate fees, \$150 for renewal for licensed optometrists not certified in the use of pharmaceutical agents, plus an additional \$25 for those licensed optometrists certified in the use of pharmaceutical agents; increase the reinstatement fee after default; and increase the reciprocity fee to be the same as the application fee.

Department of Environment and Natural Resources: Board of Water and Natural Resources - Amend rules regarding the Brownfields Revitalization and Economic Development Program funds for clarification on how the Water and Natural Resources Board will administer the Brownfields Revolving Loan Subfunds and the Brownfields Assessment and Cleanup Subfunds, and liability protection for state designated Brownfields sites.

Department of Environment and Natural Resources: Board of Water and Natural Resources - Amend rules to make revisions so that recipients of assistance through the Consolidated Water Facilities Construction Program, the State Water Pollution Control Revolving Fund Program, the Solid Waste Management Program, and the Drinking Water State Revolving Fund Program will only be required to conduct an entity-wide audit when required by existing state and federal law.

Department of Environment and Natural Resources: Board of Minerals and Environment - Adopt revisions to federal regulations including surface coating of metal furniture, integrated iron and steel manufacturing facilities, brick and structural clay products manufacturing, asphalt processing and asphalt roofing manufacturing, flexible polyurethane foam fabrication operations, engine test cells/stands, and miscellaneous metal parts and products.

Representative Smidt

Department of Game, Fish and Parks - Repeal the license exemption at Farm Island and Oahe Downstream Recreation Areas from September 17-19, 2004; permit a lost or destroyed paddlefish tag to be replaced after authorization and payment of \$5; open the prairie dog shooting season to include shooting of prairie dogs during certain times at the Conata Basin; permit possession and use of baitfish in Dante Lake; prohibit possession/transportation of snakehead fish within and into South Dakota; repeal the list of waters classified as a liberalized fishing water, delete reference to the list in the section imposing fishing restrictions in the listed bodies of water, and replace with reference to bodies of water determined by the Secretary to constitute liberalized fishing waters; change the daily limit for largemouth or smallmouth bass for Enemy Swim, Campbell Slough, Roy Lake, Lake Cochrane, Clear Lake (Marshall County), and Pickerel Lake; repeal the catch and release requirement for largemouth and smallmouth bass in the Oahe Subimpoundment; restrict fishing at Lake Haven Crossing Pond (Black Hills) to catch and release and use of artificial lures; impose a daily limit for bluegill, sunfish, crappie, and perch in the waters of Deuel County and Lake Mitchell; add a new subdivision (26) - Angostura in Fall River County and restrict the daily possession limit of crappie in this body of water and add subdivision (26) to exceptions to the statewide

daily possession limits found at ARSD 41:07:03:01(7); at Belle Fourche Reservoir remove the 14 inch minimum length requirement and 1 walleye daily limit 20 inches or greater and implement a size restriction so that only those walleye less than 15 inches in length or 18 inches or greater may be taken and only 1 may be taken daily 18 inches in length or greater; open North and South Scatterwood Lakes to game fish spearing from December 1 through the end of February; increase the length of the paddlefish archery season and permit the taking of more than 1 paddlefish daily if the person has a valid tag for the South Dakota/Nebraska boundary waters; and open the following bodies of water to the taking of baitfish: Lake Bryon (Beadle County), East and West Oakwood (Brookings County), Whitewood and Spirit (Kingsbury County), and Beaver (Minnehaha County); and close the following bodies of water to the taking of baitfish: Wilmarth (Aurora County), Henry (Bon Homme County), Ethan and Hanson (Hanson County), Dimick and Menno (Hutchinson County), Iroquois (Kingsbury County), and Mud Lake (Lawrence County).

12:00 p.m. Adjourn

NOTE: To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

Members: Senator Royal "Mac" McCracken, Chair; Representative Jean M. Hunhoff, Vice-Chair; Senators Eric H. Bogue and H. Paul Dennert; and Representatives Richard H. Engels and Orville B. Smidt.

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