



**South Dakota**

# Legislative Research Council

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

## MEMORANDUM

Sen. Ed Olson, Chair  
Rep. Gordon R. Pederson, Vice Chair

James Fry, Director  
Doug Decker, Code Counsel

**November 22, 2005**

**TO: Rules Contacts**  
**FROM: Doug Decker, Code Counsel** *Doug*  
**RE: Interim Rules Review Committee Meeting – December 6, 2005**

Your agency has been scheduled to present rules at the next Interim Rules Review Committee meeting (see the enclosed agenda). The agency must have a representative present at this meeting to explain the rules, give background information, or answer any questions from the committee.

Each agency must serve a copy of the rules and other information on the committee members at least five days before the meeting. Please review the "Directions For Submitting The Final Draft". The five-day requirement should be considered the minimum time allowed for service of the rules before the meeting. The committee members will use the copy of the rules that is served on the committee as part of the rule adoption process according to SDCL 1-26-4(9) to prepare for the meeting. The service of the rules must be done with enough time between the service of the rules and the meeting to allow the committee members time to review the rules prior to the meeting. A committee member who has not received the rules in time to review the rules before the meeting may vote to reject the agency's rules.

Thank you for your cooperation in this matter. This procedure will expedite the presentation of your rules before the committee and give the committee members access to the most recent version of your rules.

DD:ks

Enclosure: Agenda



# Legislative Research Council

## RULES REVIEW COMMITTEE AGENDA

Representative Jean M. Hunhoff, Chair  
Senator Orville B. Smidt, Vice Chair

Two hundred sixty-fourth meeting  
Tuesday  
December 6, 2005

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

### **Representative Hunhoff**

Attorney General: Law Enforcement Officers Standards and Training Commission -  
Amend a rule to clarify who is eligible for reciprocity as a law enforcement officer.

### **Senator Smidt**

Department of Game, Fish and Parks - Amend the continuous length of time (15 days) a person or group may camp at a first come-first serve site at Lewis & Clark Recreation Area w/o permission; repeal portions of park entrance license exemptions at certain areas of the Lewis & Clark Recreation Area; establish the daily camping permit fee of \$7.62 at Rocky Point Recreation Area by designating it as a "modern campground fee" area; modify fees for canceling a campsite through the reservation center from \$10 to 1 night's camping fee, establish a \$15 fee for canceling a reservation for a camping cabin or rent-a-camper through the call center or upon arrival at the park, and modify the cancellation fee for French Creek Horse Camp from \$10 to 1 night's camping fee if cancellation is received 30 days or more in advance; modify the definition of "inland waters" to correct an error and to exclude the "SD-Iowa", "SD-Minnesota" and "SD-Nebraska" boundary waters; prohibit release of non-native mollusks into waters of the state without authorization; prohibit statewide the taking/keeping daily of more than 1 walleye, sauger, or walleye-sauger (or combination) 20 inches or longer except in certain bodies of water (including Belle Fourche Reservoir; Diamond, Twin, and Beaver Lakes in Minnehaha County, and Reetz Lake; prohibit statewide the taking/keeping of any muskellunge less than 40 inches long; prohibit taking/keeping of largemouth bass from Sheridan Lake less than

15 inches long; repeal the catch and release requirement at Lake Haven Crossing Pond; permit seines/dip nets in taking smelt in the Missouri River (and impoundments) – 5 gallon daily limit; require catch and release of trout caught in Rapid Creek within the boundaries of Meadowbrook Gold Course; repeal the limits and size restrictions for northern pike specific to LaCreek National Wildlife Refuge; modify the walleye, sauger, and walleye-sauger (or combination) limits in Lake Oahe to 4 daily and 12 in possession and remove the 15 inch minimum size restriction; modify the walleye, sauger, and walleye-sauger (or combination) limits in Lake Sharpe, Lake Francis Case, and the Missouri River from Ft. Randall Dam to the SD/Nebraska state line to 4 daily and modify the maximum size restriction to no more than 1 walleye 20 inches or longer taken daily; establish the daily limit of 10 for bluegill, sunfish, crappie, and perch in Firesteel Creek from Lake Mitchell to the Loomis oil road; modify dates spearing of rough fish is permitted on certain inland waters 24 hours a day from June 1 through August 31 to May 1 through August 31; permit spearing rough fish in the SD/Nebraska boundary waters 24 hours a day from April 1 through August 31; permit spearing game fish from sunrise to sunset at Lakes Whitewood, Preston, Spirit, Albert, John, Mary, and Norden from December 1 through the end of February (unless the last day of February falls on a Saturday – the season extends through March 1); modify the opening date for spearing game fish from July 1 of each year to June 1 at: Lewis & Clark Lake from Gavins Point dam upstream to the Nebraska-South Dakota state line, Lake Francis Case from Fort Randall Dam upstream to the I-90 bridge, Lake Sharpe from the big Bend Dam upstream to US Highway 14 bridge at Pierre, and Lake Oahe from Oahe Dam upstream to the US Highway 212 bridge; prohibit taking bait from the Clubhouse/Fourmile Game Production Area from May 1 through July 31; and update reference to published material containing health inspection procedures from the "4<sup>th</sup> edition, 1994" to the "(2004 Edition)."

### **Senator Bogue**

9:40 a.m. Department of Labor: Public Utilities Commission – Amend rules to set forth the requirements for filing an application for a permit to construct wind energy facilities and amend some requirements applying to the siting of energy conversion and transmission facilities.

Department of Education: Board of Education – Amend rules that will change the current postsecondary institute funding distribution formula from one based primarily on completers, to one based on the number of Full Time Equivalent students (FTE); require that authority to act applications be submitted online and to allow educators working under authorities to act to obtain certification or endorsement in the area for which the authority to act is being requested by taking and passing the appropriate Praxis II content test rather than completing the coursework; and create administrative rules governing distance education programs throughout the state.

## **Senator Hundstad**

Department of Transportation – Amend speed zones on South Dakota Highway 50 through the city of Vermillion in Clay County and on U.S. Highway 16 through the city of Presho in Lyman County; adopt a rule to prohibit parking along State Trunk Highway 11 in Corson County during snow events; and amend rules to provide a new electronic bidding system to comport with modern business practices.

Department of Transportation – Amend speed zones in Custer and Fall River Counties on U. S. Highway 18, U. S. Highway 385 and State Trunk Highway 79 from Nebraska to Hermosa to allow for a maximum of 70 miles per hour along rural, divided segments of highway.

Department of Agriculture – Amend a rule to change the dates of the South Dakota State Fair.

11:00 a.m. Break

## **Representative Hunt**

Secretary of State: Board of Elections – Amend rules to change the number of instructions to voters posters placed at each polling place; remove op-tech ballot instructions from the posters, from the ballot instructions, and from instructions on how to count imperfectly marked optical scan ballots; provide instructions for new voting machines; add new voting machines and name of new federal agency that certifies voting equipment to the distribution requirements; update absentee ballot application and add the authorization to use a computer absentee ballot log.

## **Representative Thompson**

Department of Revenue and Regulation: Appraisers – Amend rules to add definition for distance education; capitalize Appraisal Subcommittee; specify that completion of the Appraisal Foundation's 7-hour National Uniform Standards of Professional Appraisal Practice Update Course is required for continuing education; require appraisers to comply with administrative rule regarding competency; allow state-registered appraisers to have more than one supervisor; limit supervisors to only three trainees; require supervisors to be in good standing and not subject to disciplinary action by the department for the past two years; require state-registered appraisers to report name of supervisors; describe supervisors' responsibilities; national examination only valid for 24 months; no alternative to successful completion of the national examination; no longer extension given for sitting for the national examination; delete unnecessary upgrade language for state-registered appraiser; reduce experience requirement from 24 months to 12 months for state-licensed classification; delete no time limit for obtaining experience; adopt acceptable experience effective January 1, 2008; require separate appraisal assignment logs for each supervisor; describe experience that may be claimed; set time limit for obtaining experience; describe requirements for experience verification; adopt education requirements effective January 1, 2008, for the registered, licensed and certified

classifications; repeal credit allowed for challenge examination; prohibit substitution of education by experience; correct date in reference to the applicable edition of the uniform standards; change precertification to qualifying education; clarify education deferral timeframe; add additional description for acceptable continuing education courses; revise the continuing education course topics; allow field trips for continuing education hours; clarify requirements for qualifying education credit; allow continuing education credit for activities other than as a student; revise sources of education; remove individual types of courses and replace with general term for all courses that are acceptable without state review; establish requirements for acceptable distance education courses; and remove individual types of courses and replace with general term for all courses for approval.

11:40 a.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:** Representative Jean M. Hunhoff, Chair; Senator Orville B. Smidt, Vice-Chair; Senators Eric H. Bogue and Jim Hundstad; and Representatives Roger Hunt and Bill Thompson.

**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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