



South Dakota

Legislative Research Council

RECEIVED

MAY 21 2009

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

MEMORANDUM

Sen. Jean Hunhoff, Chair
Rep. Shantel Krebs, Vice Chair

James Fry, Director
Doug Decker, Code Counsel

May 21, 2009

TO: Rules Contacts
FROM: Doug Decker, Code Counsel *Doug*
RE: Interim Rules Review Committee Meeting – June 9, 2009

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 Roger W. Hunt, Chair
Senator Jean M. Hunhoff, Vice Chair

Two hundred ninety-seventh meeting
Tuesday
June 9, 2009

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Northern State University
1200 S. Jay St., Room MJ 140
Aberdeen, South Dakota

Department of Transportation
901 Dakota St.
Huron, South Dakota

Mitchell Technical Institute
1800 E. Spruce, Room TC 156
Mitchell, South Dakota

SD School of Mines & Technology
501 E. St. Joseph St., Room CB 108
Rapid City, South Dakota

University Center
2205 Career Ave., Room 282 S
Sioux Falls, 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
- 9:05 a.m. Review of proposed rules

Representative Hunt

Department of Labor: Board of Accountancy - Amend rules to update references; correct erroneous references; repeal rules for conditional credit and transitional credits for the paper and pencil exam to the computerized exam; update language in rules to allow online renewals submission as signature and verification of information provided and the submitted time as the received date; eliminate pro-rated fees for firms and renewal of certificates; clarification of credit for CPE for instructors or discussion leaders; change definition of lapsed license to expired license; allow the board to be petitioned by an applicant or licensee to show other good cause to waive certain requirements; repeal and amend rules to reflect changes required by the passage of House Bill 1058 in the 2009 legislative session to no longer require notification forms to be filed with the Board, out-of-state firms will need permits only to perform audit work, certificates and firm permits will not be required to be displayed, and disciplinary procedures to include those with practice privileges.

Department of Labor: Electrical Commission - Amend rules to require standards for attaining a 501(d) license and for attaining levels of licensure above 501(d); address fee administration for 501(d) active and inactive licensure; document exceptions to the National Electrical Code as approved by the South Dakota Electrical commission; address fee administration for maintenance inspections; address fee administration for wiring permits; and eliminate the requirement for a wiring permit, inspection fee or inspection for modular homes or modular structures exported out of South Dakota.

Department of Public Safety: Driver Licensing - Amend rules to revise the definitions of terms; clarify documents required for issuance of a first-time driver license or identification card; clarify documents required for issuance to an applicant holding an out-of-state license or identification card; clarify documents required for an applicant holding a South Dakota identification card; clarify a reference to fraudulent documents to reflect changed definition of terms; revise the fee for a prorated driver license for those under twenty-one years of age; revise existing guidelines regarding commercial driver licenses to reflect adoption of current federal regulations; revise certain commercial vehicle criteria to reflect current standards; and revise the seasonal commercial driver license rule to allow for issuance during two ninety day periods within a calendar year.

Secretary of State: Board of Elections - Amend rules to clarify the address which the voter registration address verification notice is mailed to and include information on how to handle the notice if that person is no longer residing at that address; amend language in the notice of election for special district formation to clarify when the trustee election will be held; amend the municipal election ballot to include a list of the types of municipal governing boards; amend the certificate of nomination to fill vacancy form to include the principal residence address of the candidate; amend the approval of automatic tabulating system requirements for certification; amend the instructions to absentee voters to include instructions to not return the absentee ballot to the polling place; amend the type of seal used for sealing a ballot box; require the use of paper seals on the ballot box; amend the certification by precinct election board to include certification language for election boards which use electronic pollbooks; remove the date of the election from the official stamp for ballots; modify absentee ballot envelopes; repeal color requirement for special district ballots; add ballot format for special district formation elections; add ballot for school district reorganization elections; add ballot format for sanitary district elections; add petition form for establishing or eliminating school board representation areas; add petition form for referring the discontinuance of an attendance center; and put security measures in place for the use of electronic poll book.

Senator Hunhoff

Department of Health: Health Systems Development and Regulation - Adopt rules to establish guidelines of the statewide trauma system.

Department of Health: Health Systems Development and Regulation - Amend rules to assure the public health and safety requirements are met in the licensed lodging and campground facilities regulated by the department.

Department of Health: Health Systems Development and Regulation - Repeal license fees for certain health care facilities that are now established in statute and to update fees for controlled substance registration and abortion facility licenses.

Department of Health: Joint Boards of Nursing and Medical and Osteopathic Examiners - Amend a rule to change the collaboration requirements for a certified nurse practitioner or certified nurse midwife who practices at multiple or separate practice locations.

10:50 a.m. Break

Representative Gibson

Department of Social Services: Economic Assistance - Amend rules to add definitions, remove sales tax on food refund eligibility for food stamp households, delete obsolete provisions relating to automatically eligible households, and amend the time frame to submit a quarterly report.

Department of Social Services: Adult Services and Aging - Amend rules relating to reimbursement for nursing facilities which will amend definitions; update internal references; clarify administrative hearing procedure; delete obsolete provisions; update internal references; repeal rules that are either obsolete or no longer represent the Department's current reimbursement methodology; increase the ceiling for capital costs; establish a new rule that specifies the reimbursement methodology used if an existing facility experiences a change in operational ownership; and specify that the amount of a facility's add-on payment for the use of a specialty bed will be established in the Department's contract with the provider.

Senator Hundstad

Department of Agriculture: Weed and Pest Control Commission - Amend a rule to add Sulfur cinquefoil to the local noxious weed and declared pest list.

Department of Revenue and Regulation: Division of Insurance - Amend rules to repeal duplicative authority and to define premium for premium tax reporting purposes.

Department of Revenue and Regulation: Division of Insurance - Adopt rules to establish a special state continuation election of continuation for individuals that were eligible prior to the enactment of the American Recovery and Reinvestment Act.

Department of Revenue and Regulation: Division of Insurance - Amend a rule to change a reference to reflect the new lifetime benefit maximum amount of two million dollars.

Department of Revenue and Regulation: Real Estate Commission - Amend rules to permit electronic filings of petitions for promulgation of declaratory ruling or rule, include a broker in the registration process for a business corporation or limited liability company, make provisions for commission splits paid out-of-country, prohibit the reproduction of a license, require nonresident licensees to provide certificates of licensure at time of application for licensure and when renewing a South Dakota license, require a South Dakota resident licensed as a salesperson by examination in another state

to meet certain education and examination requirements, require a nonresident salesperson licensed in South Dakota who establishes residency in this state to meet certain education requirements, correct gender specific language, rename Course I, II and III and revise course content requirements, require an instructor seeking approval to offer prelicensing education to complete certain course work, allow electronic filing of a complaint and response to complaint, distinguish the type of license to be held when appraising real property, define postlicensing education and establish requirements thereof, eliminate fees of certain prelicensing courses, require out-of-state courses to meet certain requirements, repeal the requirement of notice given to students at beginning of continuing education course, and prohibit independent study courses from qualifying for postlicensing education.

12:30 p.m. Break

Representative Lust

Department of Education: Board of Education - Amend rules to clarify the addition of state fees being charged students at the state Technical Institutes, establish a higher amount of funding for facilities at the state technical institutes, and clarify the distribution and allocation of funds for each full time equivalent student.

Public Utilities Commission - Adopt rules regarding the interconnection of small generator facilities to the electric systems of public utilities.

Senator Vehle

Department of Game, Fish and Parks - Amend a Markings and Zones rule to require authorization of the department secretary prior to any person placing buoys on public waters; amend the Pheasant, Grouse, Quail, and Partridge Hunting Season rules to establish season dates, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date from the first Sunday of January to the second Sunday of January; amend a Partridge Hunting Season rule to remove LaCreek National Wildlife Refuge as an area open to hunting partridge; amend a Black Hills Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (first and second season) licenses, types of available licenses, open areas, and shooting hours; adjust the number of licenses available from 755 "any elk" and 920 "anterless elk" licenses (total of 1,675 licenses) to 605 "any elk" and 760 "anterless elk" licenses (total of 1,365 licenses); and adjust Unit H3 to have a split season for anterless tags; amend a Custer State Park Early Archery Elk Hunting Season rule to establish new season dates for the Custer State Park "any elk" archery licenses, number of available licenses, open area, and shooting hours (season dates would include the entire month of September and no longer allow unsuccessfully early archery elk hunters to return and hunt the late archery elk season); amend an Archery Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (Black Hills Units and Unit 30A) licenses, types and numbers of available licenses, open areas, and shooting hours; adjust the number of licenses available from 124 "any elk" and 78 "anterless elk" licenses (total of 202 licenses) to 114 "any elk" and 71 "anterless elk" licenses (total of 185 licenses); and adjust the Unit 30A season dates to coincide with Nebraska season dates; amend a Special Custer State Park Anterless Elk Hunting Season rule to establish season dates for the special Custer State Park "anterless elk" (Units 1 and 2) licenses, number of

available licenses, open areas, and shooting hours; adjust the number of licenses available in Unit 2 from 40 licenses to 20 licenses; and change the season dates for Unit 2 to always open on the Tuesday following Native American Day for 9 consecutive days rather than the second Monday in October for 9 consecutive days; and amend a Prairie Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (Units 09A, 11A, 11B, 11C, 15A and 30A) licenses, types and numbers of available licenses, open areas and shooting hours; add a third unit to Bennett County (Unit 11A) which will include the month of August; establish a new unit in Butte and Lawrence Counties (Unit 09A); adjust Unit 30A season dates to coincide with Nebraska season dates; and adjust the number of licenses available from 30 "any elk" and 46 "anterless elk" licenses (total of 76 licenses) to 45 "any elk" and 86 "anterless elk" licenses (total of 131 licenses).

Department of Game, Fish and Parks - Amend a Uses of Parks and Public Lands rule to expand archery hunting opportunities on Farm Island Recreation Area and LaFramboise Island Nature Area; amend a Park Licenses rule to allow a person towing a vehicle to enter a state park without having to purchase a park entrance license (PEL) for the towed vehicle if it will not be operated within the park; amend a Motorboats and Watercraft rule to require any child under seven years of age who is being towed by a watercraft to wear a personal flotation device; amend Archery Deer Hunting Season rules to establish season dates, number and types of available licenses, requirements and restrictions, open area, and shooting hours; remove the restrictions which pertain to archery deer hunting on Farm Island Recreation Area and LaFramboise Island Nature Area; allow purchase of one statewide "any antlerless deer" single-tag and single and double tag "any antlerless deer" licenses for all areas open to archery deer hunting excluding the Black Hills Fire Protection District and Codington, Grant, Roberts, Lake, Lincoln, Minnehaha and Moody counties in eastern South Dakota; amend an Archery Antelope Hunting Season rule to establish season dates, number and types of available licenses, requirements and restrictions, open area, and shooting hours; create an unlimited number of 3-tag licenses valid for one "any antelope" and two "any doe/fawn antelope"; and add Campbell County as an area open to archery antelope hunting; amend a Youth Deer Hunting Season rule to establish season dates, numbers of available single tag "any antlerless deer" licenses, requirements and restrictions, open areas, and shooting hours, and lower the total number of youth deer licenses that can be purchased from five (5) to two (2); amend a General Muzzleloading Deer Hunting Season rule to establish season dates, number of available "any deer" and "any antlerless deer" licenses, requirements and restrictions, open area, and shooting hours; allow purchase of one statewide "any antlerless deer" single-tag and single and double tag "any antlerless deer" licenses for all areas open to muzzleloader deer hunting excluding the Black Hills Fire Protection District and Codington, Grant, Roberts, Lake, Lincoln, Minnehaha, and Moody counties in eastern South Dakota.

1:30 p.m. Adjourn

Members: Senators Jean M. Hunhoff, Jim Hundstad, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and David Lust.

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.*



All Legislative Research Council committee minutes and agendas are available on the South Dakota Legislature's Homepage (<http://legis.state.sd.us>). Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).