



**Legislative  
Research  
Council**

**RULES REVIEW COMMITTEE  
AGENDA**

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**Representative Timothy Johns, Chair  
Senator Mike Vehle, Vice Chair**

**Three hundred thirty-fifth meeting  
Tuesday  
August 20, 2013**

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

**Other DDN Site Locations:**

**Mitchell Technical Institute  
1800 E. Spruce, Room TC 155  
Mitchell, South Dakota**

**University Center  
4801 N. Career Ave., Room FADM 145  
Sioux Falls, South Dakota**

**Black Hills State University  
1200 University Station, LIB 011  
Spearfish, South Dakota**

**Department of Transportation  
1306 W. 31<sup>st</sup> St.  
Yankton, South Dakota**

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

9:00 am CT Call to order, roll call, approval of minutes, and staff report  
8:00 am MT

Review of proposed rules

**Representative Johns**

Attorney General: Law Enforcement Officers Standards and Training Commission – Adopt rules to establish minimum standards for an individual to act as a school sentinel, a school sentinel training program, and the procedures for the revocation of a school sentinel's certification.

Department of Education: Board of Education – Amend Special Education rules to reference the most current State and Federal Regulations, remove excessive criteria in eligibility categories, and add provisions to address coordinated early intervening services funded through State Aid for Special Education; amend Career and Technical Education rules to establish a methodology for forecasting contributions from student fees and state appropriations available to meet projected payment schedules on outstanding bonds for lease purchase agreements with the four postsecondary technical institutes and clarify the process by which the Board of Education makes determinations of whether to approve requests for issuance of new bonds from the postsecondary technical institutes; amend an Individualized Family Service Plan rule to remove "working" from 24:14:13:03 (06); amend Certification rules to streamline the

certification process for military spouses leaving employment as certified teachers in other states to accompany their spouses to South Dakota; amend a State Accreditation and Approval System rule to allow for an accreditation review desk audit rather than team visits to the district being reviewed; and amend Public School Accountability System rules to update and clarify the accountability rules under the Elementary and Secondary Education Act Waiver.

### **Senator Buhl O'Donnell**

Public Utilities Commission – Amend rules to update citations for "general authority" and "law implemented"; revise and update the monthly grain report rule; revise the release of bond requirements; require that notice of a suspension or revocation of a grain warehouse license must be posted in all locations where grain is received; put in procedures for the handling of electronic warehouse receipts; revise financial statement requirements for applicants for a warehouse or grain buyer license by changing the types of allowed financial statements and what statements are required under what specified circumstances; revise balance sheet requirements; require a grain buyer's bond to list each location of the buyer; set forth the requirements if an additional bond is furnished by a grain buyer; state when a bond may be released; repeal rules concerning decals for grain buyer vehicles; allow a voluntary credit sale grain contract that is not signed by both parties to be enforceable if a writing in confirmation is sent and no objection is made to the writing in confirmation; set notice requirements if a grain buyer's license is suspended or revoked; and require notice of the transfer of ownership of a grain buyer's grain receiving facility.

### **Representative Gibson**

Department of Public Safety: 911 Coordination Board – Amend rules to define "County 911 Coordinator", conform to legislative changes, make the rules uniform in regard to required procedures, remove outdated references, correct a statutory reference, clarify financial and accounting standards requirements, and define allowable personnel costs for County 911 Coordinators and other 911 or PSAP employees.

### **Representative Hajek**

Department of Labor and Regulation: Cosmetology Commission – Amend a rule to increase the allowable field trip hours for cosmetologist students from 16 to 32 hours.

Department of Public Safety – Amend rules to provide the minimum requirements for obtaining and maintaining school bus inspector certification from the Highway Patrol and the process for revoking and regaining school bus inspector certification; update the adoption of the Commercial Vehicle Safety Alliance North American standard Out-of-service Criteria; further define unprofessional or dishonorable conduct for purposes of emergency medical technician-basic licensure, to provide for revoking and regaining of emergency medical technician-basic licensure for unprofessional or dishonorable conduct, and to clarify that transfer-only ambulance services are prohibited in South Dakota; allow the Director of Highway Safety to approve motorcycle safety course curricula, and set forth the process for approving motorcycle safety course curricula;

update the Code of Federal Regulation adoptions for commercial driver licensing rules, and change the commercial driver licensing third party tester fees from \$80 to \$90.

Secretary of State – Amend rules to implement legislation concerning the forms accepted for Uniform Commercial Code and to establish a more consistent and practical fee for voter registration files that are sold.

Secretary of State: Board of Elections – Amend rules to update the instructions provided by agencies that administer voter registration; clarify a portion of the potential duplicate notice; implement legislation concerning the voter registration of adult children of overseas citizens; implement legislation concerning the date of a secondary election; clarify language to affirm an inactive voter's current address; and implement legislation concerning absentee voting.

### **Senator Hunhoff**

Department of Health: Board of Pharmacy – Amend rules to establish the ability of pharmacies to retain health records, including prescription orders, in an electronic format.

### **Senator Vehle**

Department of Game, Fish and Parks – Amend a Refuges' rule to remove approximately 62.5 acres of privately owned real estate from the Renziehausen Slough State Game Bird Refuge in Brown County; amend Waterfowl Hunting Seasons (Duck Hunting Season) rules to increase the daily bag limit for scaup and increase the possession limit for ducks, coots, and mergansers as recently approved by the U.S. Fish and Wildlife Service; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the Canada goose daily bag limit contingent upon approval from the U.S. Fish and Wildlife Service, increase the white-fronted goose daily bag limit, modify the white-fronted goose season from 86 to 72 consecutive days beginning the last Saturday of September, and increase the possession limit for geese as recently approved by the U.S. Fish and Wildlife Service; and amend a Depredation Permits rule to allow an individual who wishes to participate in depredation hunts to register for no more than 10 counties.

Department of Agriculture: Division of Agricultural Services – Adopt rules to require additional labeling to dairy producers selling bottled raw milk direct to the consumer.

1:00 pm CT Adjourn

\* Breaks 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 O'Donnell, Jean M. Hunhoff, and Mike Vehle; and Representatives Peggy Gibson, Anne Hajek, and Timothy Johns.

**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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