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South Dakota

Legislative Research Council

MEMORANDUM

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

James Fry, Director
Doug Decker, Code Counsel

November 21, 2006

TO: Rules Contacts

FROM: Doug Decker, Code Counsel *Doug*

RE: Interim Rules Review Committee Meeting – December 5, 2006

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

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RULES REVIEW COMMITTEE AGENDA

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

Two hundred seventy-third meeting
Tuesday
December 5, 2006

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.*

8:30 a.m. Call to order, roll call, approval of minutes, staff report

8:40 a.m. Review of proposed rules

Representative Hunhoff

Department of Health: Health and Medical Services: Family Health - Adopt and amend rules to clarify definitions, terms, and statements regarding children's special health services.

Department of Health: Health and Medical Services: Disease Prevention - Adopt and amend rules to clarify definitions, terms, and statements regarding children's special health services.

Department of Health: Health Systems Development and Regulation: Licensure and Certification - Amend rules to improve the timing and accuracy of infectious disease reporting, improve the quality of seasonal influenza disease surveillance, and enhance preparedness for an influenza pandemic.

Department of Human Services - Adopt and amend rules on denial, suspension, or revocation of certificate by removing the reference to the interpreter review panel; define "contact hour," "division," "educational interpreter performance assessment," "mentor," "nationally certified interpreter," and "registration;" outline the process and requirements for initial and annual registration for South Dakota and nationally certified interpreters; outline the process and requirements for obtaining a provisional certification; clarify the continuing education requirements; amend the fee schedule; and amend the medical, educational or legal settings to clarify what certification levels an interpreter may interpret in each setting.

Senator Smidt

Department of Game, Fish and Parks - Amend rules to change the following: Spring Wild Turkey Hunting Season – establish season dates, number/types of resident and nonresident hunting license/tags available in the hunting Units, landowner/operator license preference for obtaining licenses; prohibit shooting a turkey in a tree or roost; allow persons to use only bow and arrow, shotgun using shot shells or muzzle loading shotgun in state parks and recreation areas within prairie units and in certain designated hunting Units; establish new hunting units in Moody, Minnehaha and Jerauld counties as shotgun-only units; establish a new unit in Brule County; add Turner County and Spink County to the area open for archery hunting; combine separate units in Charles Mix and Douglas counties into one unit; combine Units 02B (central Pennington County) and 21A (eastern Custer County) into one unit; close Hamlin and Hand counties to archery turkey hunting; and eliminate season closure language and firearm restrictions in State Parks and Recreation Areas covered in ARSD 41:03:01:16; Waterfowl Hunting Season – retain the light goose Conservation Order and establish season dates and bag limits; Fishing Limits – reduce the walleye possession limit on Lake Oahe from 12 to 8; Walleye size restrictions on Belle Fourche Reservoir – clarify that walleye size restrictions apply to all waters contiguous to Belle Fourche Reservoir, including the inlet canal up to the terminal drop of Belle Fourche River diversion; Fishing Tournaments – change the months during which "catch and release" walleye and salmon tournaments are prohibited to June 1 through September 15 of each year; Fishing Seasons – change the opening day of the Minnesota/South Dakota boundary water fishing season from the last Saturday in April to the Saturday closest to April 21 in each year; Spearing – establish the opening day for spearing rough fish on Minnesota/South Dakota boundary waters from the last Saturday in April to the Saturday closest to April 21, and establish night spearing from June 1 through August 31, in each year; Custer State Park Spring Wild Turkey Hunting Season – establish season dates and increase the number of resident one-tag "male turkey" licenses being issued from 100 licenses to 125 licenses; and Camping Permits and Rules – establishes the fee for the new group lodge being renovated at Newton Hills State Park.

Senator Bogue

Public Utilities Commission - Amend rules to allow for the electronic filing and serving of documents and to otherwise clarify how documents are to be filed. If a person does not have the ability to file electronically, that person may still file a paper copy. A number of the rule changes explain how to file electronically, how the commission will serve documents, outline the exceptions for filing electronically, and delete references to require paper copies. The rules will provide that the circuit court rules of civil procedure will apply unless otherwise stated. The changes to the rules will also differentiate between complaints filed by consumers and complaints filed by one utility against another utility; make it easier for a consumer to file a complaint when compared to a complaint filed by a utility; revise the requirements for stipulations by deleting the requirement that all parties must sign a stipulation; clarify that rules apply to all contested cases, not just complaints; clarify the filing of interventions and answers to interventions; revise the procedures for filing amended pleadings; clarify the filing of exhibits or technical documents during a hearing; require a party to file proposed findings of fact only if requested by the Commission; revise the filing of declaratory rulings and the timeline for Commission action; and revise the treatment and filing of confidential information.

Senator Hundstad

Department of Agriculture: Brand Board - Amend a rule to increase the ownership inspection fee from .70 to .80 cents for each head of livestock inspected.

Department of Agriculture: Pulse Council - Adopt rules to establish guidelines for the Pulse crop check-off.

Department of Agriculture: State Conservation Commission - Amend rules to update the criteria for administration, terms, and conditions for disbursement of funds and for the selection of projects to receive funds through the Coordinated Natural Resource Conservation Program.

Department of Transportation - Amend a speed zone in Potter County on US Highway 212 in the City of Gettysburg to reduce speed limits for traffic entering the community and along the areas of development and amend a rule to allow for the addition of a third service type on panel or supplemental panel informational, directional signs.

Department of Revenue and Regulation: Banking Commission - Amend a rule to reduce the examination fee schedule for state-chartered banks for the December 2006 semiannual examination fee.

Department of Revenue and Regulation: Division of Insurance - Adopt and amend rules to allow permissible exclusions that are appropriate for accidental and dismemberment policies and to allow the use of updated mortality tables in life insurance reserving; and to ensure consumers are aware of the effect of purchasing a short term major medical policy.

Representative Hunt

Secretary of State: Board of Finance - Amend rules to increase the in-state per diem rates for lodging provided to state employees traveling for official state business, to clarify that per diem rates currently enumerated apply during out of country travel and receipts for meals expenses incurred during out of country travel are not required, and to repeal a rule limiting the amount for apartment rent in lieu of lodging.

Bureau of Administration - Amend rules to remove references to the director of highways and state highway engineer and replace them with the secretary of Transportation.

Department of Public Safety: Driver Licensing - Amend rules to change the Department name from Commerce and Regulation to Public Safety; prohibit an applicant who has made a fraudulent application for a driver license or identification card from obtaining such document until the Department Secretary deems it appropriate; revise rules regarding issuance of restricted licenses (work and school permits); revise rules regarding commercial driver licenses to reflect adoption of current federal regulation and to revise requirements for third party tester applicants; clarify language regarding commercial disqualifications; change reference to statutes that have been moved from one chapter to a different chapter; repeal the fees for the sale of driver license lists and clarify language regarding vision standards needed to obtain a driver license.

Department of Public Safety: State Fire Marshal - Amend rules to change all references made to the Department of Commerce and Regulation to the Department of Public Safety, and adopt the 2003 edition of the International Building, Fire, and Mechanical Codes as fire safety standards.

Department of Labor: Board of Accountancy - Amend rules to update the references cited and to include acceptable experience gained prior to sitting for the Uniform CPA Examination.

Representative Thompson

Department of Environment and Natural Resources: Board of Water and Natural Resources - Amend rules to establish a consistent definition of "Board" across the programs; allow a designated representative to act in behalf of the department secretary; change the effective date of the Clean Water Act from January 1, 2004, to October 1, 2006; modify the definition of "Facilities plan"; simplify the rule regarding application cycles; allow capitalized interest as an eligible project cost; establish the criteria for setting interest rates; eliminate the need to set rates annually for the revolving fund programs; clarify that individual payments can exceed the percentage provided in the award agreement, but the total payment cannot exceed that percentage; require assistance recipients to maintain accounting records in accordance with the financial assistance agreements; eliminate the requirement for assistance recipients to maintain final project plans and make them available for public inspection; specify that water user districts are eligible for loan funding for projects involving wastewater treatment works; reduce the number of calendar days required for the public hearing notice to adopt the Intended Use Plans and allow the board 30 days to adopt the final Intended Use Plans; clarify the procedure for amending the Drinking Water SRF Intended Use Plan; clarify the items that must be received as part of the revolving fund loan applications and establish deadlines for the submittal and review of those items; allow the Board of Water and Natural Resources to rescind loans under certain conditions; increase the maximum repayment period for SRF loans from 20 years to 30 years; include a definition of "loan" for the SRF programs; clarify that loan repayment periods cannot exceed the useful life of any project financed through a revolving fund program; revise a citation to an administrative rule in the Drinking Water SRF project priority rating system; clarify that set-aside for Drinking Water SRF administration can be used for retaining a financial advisor and eliminate language regarding costs for establishing the Drinking Water SRF program; and to make other revisions as needed to provide consistency among the programs.

11:50 a.m. Adjourn

Members: Senators Eric H. Bogue, Jim Hundstad, and Orville B. Smidt; and Representatives Jean Hunhoff, 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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