



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Senator Jean M. Hunhoff, Chair
Representative R. Shawn Tornow, Vice Chair

Three hundred twenty-fourth meeting
Tuesday
August 14, 2012

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Northern State University
1200 S. Jay St., Room Lib 116
Aberdeen, South Dakota

Department of Human Services
2361 Dakota Ave. S
Huron, South Dakota

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

SD School of Mines & Technology
501 E. St. Joseph St., Room CB 109
Rapid City, South Dakota

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

Department of Transportation
1306 W. 31st St.
Yankton, 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

Review of proposed rules

Representative Tornow

Department of Education: Board of Education – Amend a rule to require the minimum professional performance standards for evaluating teacher performance to be aligned with the Charlotte Danielson framework for teaching beginning in the 2014-2015 school year.

Department of Education: State Library Board – Amend rules to establish a program of full and affiliate depository libraries for state publications, and to specify how state agencies are to supply the State Library with digital and/or non-digital copies of their publications for inclusion in the program.

Representative Hunt

Bureau of Administration – Amend rules to increase the maximum fees chargeable for legal publications required by state law.

Department of Labor and Regulation: South Dakota Board of Accountancy – Amend rules to update references, update definitions used in continuing professional education criteria, update ethics exam name, and clarification to peer review language.

Department of Public Safety: Office of Weights and Measures – Adopt rules to permit the sale of 85 Octane gasoline throughout South Dakota but require cautionary labeling, to specify the required retail dispenser labeling requirements, to require documentation for product quantity, grade and rating, and to define the duties of refiners, importers, producers, distributors and retailers consistent with the Code of Federal Regulations Title 16, Parts 306.5 through 306.12, inclusive.

Representative Gibson

Department of Environment and Natural Resources: Water Management Board – Amend rules to provide definitions of terms "livestock" and "confinement operation" and repeal the definition of "stock watering;" remove the requirement that the Water Management Board have an official seal; modify definition of water uses requiring a water permit or right in part due to statutory changes; repeal definition of what is not a water distribution system; reduce the requirements for registering a domestic well as well as for completing applications for water permits and vested water right claims; remove the reference to a public hearing in the assignment of a number to a permit application; remove references to publication of notices a second time and reduce the number of days needed to issue a water permit; and modify who can provide irrigation water use information to the chief engineer and how the information can be reported.

Senator Vehle

Department of Agriculture: Animal Industry Board – Amend rules to relax the requirements for a certificate of veterinary inspection to accompany cats and dogs entering the state with their owners for a period of less than 30 days and update current dates of reference material.

Department of Game, Fish and Parks – Amend a Uses of Parks and Public Lands rule to establish an exemption to the rule which prohibits unleashed dogs in state parks in order to allow the Department to establish "dog training areas" in state parks, state recreation areas, state nature areas and state lakeside use areas; amend Park Licenses and Camping Permits and Rules to incorporate Shep's Canyon on the west shore of Angostura Reservoir in Fall River County into the existing Angostura Recreation Area and require users of the area to pay camping fees and possess a valid park entrance license; amend a Hunting Requirements and Prohibited Methods rule to further define "bait station" and place additional restrictions on the times when bait stations are prohibited for attracting big game for the purpose of hunting; amend East River Deer Hunting Season rules to

adjust the number of licenses/tags available and provide that only unfilled "antlerless deer" and "antlerless whitetail deer" tags are valid during the antlerless deer season extension beginning on the Saturday after Christmas; amend Antelope Hunting Season rules to adjust the number of licenses/tags available and open antelope hunting season to residents only; adopt a Black Hills Elk Hunting Season rule to allow the winner of the elk tag issued in conjunction with the annual Elk License Raffle to hunt not only in Custer State Park but also in any unit where "any elk" licenses are issued during the Black Hills Elk season; amend National Wildlife Refuge Deer Hunting Season rules to adjust the number and types of licenses/tags available at Sand Lake National Wildlife Refuge, Lacreek National Wildlife Refuge, and Waubay National Wildlife Refuge; amend a Youth Waterfowl Hunting Season rule to adjust the season starting date from the Saturday prior to the last Saturday of September to 12 days after Labor Day; amend an Early Fall Canada Goose Hunting Season rule to increase the daily bag limit and the possession limit (subject to the approval of the U.S. Fish and Wildlife Service); and amend Dog Training rules to eliminate dog training daily bag and possession limit requirements that are currently imposed during the hunting seasons, and differentiate between captive game birds that are taken by hunters and those taken during dog training, field trials, and similar events/contests.

Department of Game, Fish and Parks – Amend Hunting Requirements and Prohibited Methods rules to create accompaniment allowances for big game hunters and place the responsibility for adherence to the rule on the accompanying person who is not licensed to hunt big game, and allow for use of smokeless powder and peep sights and other optics that do not employ magnification during seasons restricted to Muzzleloading rifles; amend Waterfowl Hunting Seasons rules to increase the daily bag limit for redheads; increase the Canada goose daily bag limit and possession limit, and make corrections to the boundary descriptions for Units 1 and 2; amend a Bait rule to add the East Vermillion River, West Vermillion River, and Firesteel Creek below Lake Mitchell to the list of waters that are closed to the commercial and noncommercial taking of bait; and adopt Wildlife Rehabilitation rules to initiate a formalized program for the temporary care, rehabilitation, and release of certain resident wildlife species.

Department of Game, Fish and Parks – Amend Trapping Prohibitions rules to clarify the dimensions of colony traps used for muskrat trapping, and require on public lands and public road rights-of-ways statewide, the body grip traps with an opening greater than 36 sq. inches (larger than 160 Conibears) when used in conjunction with any bait, lure, or scent be recessed a minimum of seven inches in cubbies, baited box traps, or bucket traps. *(These rules were reverted back for additional hearing at the July 10th Interim Rules Review meeting.)*

Department of Transportation – Amend rules to extend a 25 mile per hour limited speed zone on U.S. Highway 83 entering Mound City further north and correct a legal description; and create a 45 mile per hour limited speed zone on State Trunk Highway 248 through Draper and correct a legal description.

Department of Transportation: Aeronautics Commission – Amend rules to eliminate a definition for "private commercial airport," add a definition for "publicly owned airport," and revise the definitions of "public airport" and "private airport;" clarify the

requirement concerning licensing or approval by the Aeronautics Commission of public airports and any private airport, landing field, or heliport located within two miles of the nearest boundary of any other approved airport; and repeal a rule which sets minimum requirements for private commercial airports.

1:00 p.m. 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, Jean M. Hunhoff, and Mike Vehle; and Representatives Roger W. Hunt, Peggy Gibson, and R. Shawn Tornow.

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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