

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., May 15, 2017

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Game, Fish, and Parks:

(May 10, 2017) intends to amend a Camping Permits and Rules (Park facility use fees) rule to establish facility fees for special events held at the Good Earth State Park visitor center and adjacent grounds; amend Application for License rules to allow the department secretary to authorize a terminally ill person to hunt outside established season dates, require a resident or nonresident deer hunter who possesses an archery, muzzleloader, youth or mentor deer license to obtain a free access permit to hunt in the newly created East River deer Limited Access Unit 13L, and allow licenses to be issued to nonresident hunters in Unit WRD-58D for the West River prairie deer season; amend a License Forms and Fees (Custer State Park Trophy and Non-Trophy Bison Licenses) rule to adjust the license fees for a Custer State Park trophy bull bison license from \$5,000 to \$6,500 and for a Custer State Park non-trophy bull bison license from \$2,250 to \$3,250; amend a Waterfowl Hunting Season (Nonresident Waterfowl Licenses) rule to reduce the total number of temporary nonresident waterfowl licenses from 2,000 to 1,750, move Brown County from Unit NRW-00Y (northeast SD) to Unit NRW-00X (central/northcentral SD), reduce the total number of nonresident waterfowl licenses in Unit NRW-00X from 1,500 to 1,000 licenses with 500 having a valid start date of December 1 until the end of the waterfowl

season, establish a new unit with 250 nonresident waterfowl licenses that includes all of the state except counties in Units NRW-00A, NRW-11A, NRW-00X, and NRW-00Y, and make all temporary nonresident waterfowl licenses valid on private land only except those in Unit NRW-00Y; amend a Black Hills Deer Hunting Season rule to adjust the number of licenses; amend West River Deer Hunting Season rules to adjust the number of licenses, discontinue the split seasons for Gregory and Mellette counties and align with the regular West River deer season, and change the season date for Unit 24B (Little Moreau); amend East River Deer Hunting Season rules to adjust the number of licenses, create a new Limited Access Unit (Unit 13L) that would be restricted to Corp of Engineers property, all Game Production Areas, and the Elm Creek Lakeside Use Area immediately adjacent to the Missouri River, all in Brule County, and the Pease Game Production Area in southwest Buffalo County, modify Unit 13A to include all of Brule County excluding that portion located with Unit 13L, and modify Unit 14A to include all of Buffalo County excluding the Pease Game Production Area located within Unit 13L; amend Archery Deer Hunting Season rules to close units 17A, 25A, 41A, 50A, and 58A and open units 44A and 62A, all in Unit ARD-LM1, and extend the season closing date for archery deer hunting in Sand Lake National Wildlife Refuge from December 31 to January 15; amend a National Wildlife Refuge Deer Hunting Season rule to adjust the number of licenses for LaCreek National Wildlife Refuge and Waubay National Wildlife Refuge and restrict all licenses within Waubay National Wildlife Refuge to muzzleloading rifles; amend a Custer State Park Deer Hunting Season rule to adjust the number

of one-tag licenses, modify the season dates from 14 consecutive days beginning on the first Saturday of November to November 1-December 15 with hunting only by bow and arrow allowed from November 1-15 and hunting only by muzzleloader from December 1-15; amend a General Muzzleloading Deer Hunting Season rule to close units 17A, 25A, 41A, 50A, and 58A, and open units 44A and 62A, all in Unit MZD-LM1; amend Custer State Park Non-Trophy Bison Harvest rules to change the season dates from 47 days beginning the second Monday in January to 47 days beginning the last Monday in October and reduce the number of cow licenses from five to zero; and amend a Trapping Prohibitions rule to clarify that both traps and snares are prohibited within 30 feet of exposed bait. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-10, 41-6-18.2, 41-6-18.4, 41-6-19.6, 41-6-21, 41-8-20, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Cedar Shores Resort, 1500 Shoreline Dr., Oacoma, South Dakota, on June 8, 2017, at 2:00 p.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, SD 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. on the date of the hearing. Comments may also be sent by email to either

wildinfo@state.sd.us or gfpadminrules@state.sd.us. All written and email comments must include the commenter's name, home town/city, and state. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE: SOUTH DAKOTA COMMISSION ON GAMING:
20:04:27:12, 20:04:27:13, 20:04:27:13.07, 20:04:27:14, and 20:04:27:17.

History-Notice: 43 SDR 119, Feb. 27, 2017
Hearing: March 22, 2017
Filed: May 12, 2017
Effective: June 1, 2017

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>5-19-2017</p>	<p>Department of Human Services: Division of Rehabilitation Services Amend rules to bring the interpreter certification level required for criminal proceedings or serious medical procedures corresponding to the certification currently being granted by the Registry of Interpreters for the Deaf (RID); 43 SDR 133, April 13, 2017.</p>
<p>5-25-2017</p>	<p>Department of Transportation Amend Speed Limit rules in Pennington County to replace the reference to State Trunk Highway 79 with State Highway Maintenance Route 231, the Interstate Highway 90 crossover road at milepost 78.39 is being changed to Exit 78 (New Underwood Road)</p>

	<p>beginning 0.07 mile south of the centerline of Interstate Highway 90, then north 0.16 mile, and repealing two speed limits in Box Elder due to the county taking jurisdiction; amend a Custer County speed zone rule on U.S. Highway 385, within the boundaries of Wind Cave National Park, to 45 miles per hour, and State Trunk Highway 87, within the boundaries of Wind Cave National Park, to 35 miles per hour; and amend a Meade County speed on State Highway Maintenance Route 231, beginning at the north Pennington County line and proceeding north 1.05 mile to Peaceful Pines Road, would remain 55 miles per hour and then decrease to 45 miles per hour a distance of 0.6 mile east to Norman Avenue, and the Interstate Highway 90 Service Road on the west side of Interstate Highway 90 beginning at Exit 40, then southeasterly to Exit 44 will be decreased from 55 miles per hour to 45 miles per hour; 43 SDR 145, May 8, 2017.</p>
<p>6-8-2017</p>	<p>Department of Game, Fish and Parks Amend a Camping Permits and Rules (Park facility use fees) rule to establish facility fees for special events held at the Good Earth State Park visitor center and adjacent grounds; amend Application for License rules to allow the department secretary to authorize a terminally ill person to hunt outside established season dates, require a resident or nonresident deer hunter who possesses an archery, muzzleloader, youth or mentor deer license to obtain a free access permit to hunt in the newly created East River deer Limited Access Unit 13L, and allow licenses to be issued to nonresident hunters in Unit WRD-58D for the West River prairie deer season; amend a License Forms and Fees (Custer State Park Trophy and Non-Trophy Bison Licenses) rule to adjust the license fees for a Custer State Park trophy bull bison license from \$5,000 to \$6,500 and for a Custer State Park non-trophy bull bison license from \$2,250 to \$3,250; amend a Waterfowl Hunting Season (Nonresident Waterfowl Licenses) rule to reduce the total number of temporary nonresident waterfowl licenses from 2,000 to 1,750, move Brown County from Unit NRW-00Y (northeast SD) to Unit NRW-00X (central/northcentral SD), reduce the total number of nonresident waterfowl licenses in Unit NRW-00X from 1,500 to 1,000 licenses with 500 having a valid start date of December 1 until the end of the waterfowl season, establish a new unit with 250 nonresident waterfowl licenses that includes all of the state except counties in Units NRW-00A, NRW-11A, NRW-00X, and NRW-00Y, and make all temporary nonresident waterfowl licenses valid on private land only except those in Unit NRW-00Y; amend a Black Hills Deer Hunting Season rule to adjust the number of licenses; amend West River Deer Hunting Season rules to adjust the number of licenses, discontinue the split seasons for Gregory and Mellette counties and align with the regular West River deer season, and change the season date for Unit 24B (Little Moreau); amend East River Deer Hunting Season rules to adjust the number of licenses, create a new Limited Access Unit (Unit 13L) that would be restricted to Corp of Engineers property, all Game Production Areas, and the Elm Creek Lakeside Use Area immediately adjacent to the Missouri River, all in Brule County, and the Pease Game Production Area in southwest Buffalo County, modify Unit 13A to include all of Brule County excluding that portion located with Unit 13L, and modify Unit 14A to include all of Buffalo County excluding the Pease Game Production Area located within Unit 13L; amend Archery Deer Hunting Season rules to close units 17A, 25A, 41A, 50A, and 58A and open units 44A and 62A, all in Unit ARD-LM1, and extend the season closing date for archery deer hunting in Sand Lake National Wildlife Refuge from December 31 to January 15; amend a National Wildlife Refuge Deer Hunting Season rule to adjust the number of licenses for LaCreek National Wildlife Refuge and Waubay National Wildlife Refuge and restrict all licenses within Waubay National Wildlife Refuge to</p>

	muzzleloading rifles; amend a Custer State Park Deer Hunting Season rule to adjust the number of one-tag licenses, modify the season dates from 14 consecutive days beginning on the first Saturday of November to November 1-December 15 with hunting only by bow and arrow allowed from November 1-15 and hunting only by muzzleloader from December 1-15; amend a General Muzzleloading Deer Hunting Season rule to close units 17A, 25A, 41A, 50A, and 58A, and open units 44A and 62A, all in Unit MZD-LM1; and amend Custer State Park Non-Trophy Bison Harvest rules to change the season dates from 47 days beginning the second Monday in January to 47 days beginning the last Monday in October and reduce the number of cow licenses from five to zero; and amend a Trapping Prohibitions rule to clarify that both traps and snares are prohibited within 30 feet of exposed bait; 43 SDR 149, May 15, 2017.
6-8-2017	Department of Health: Board of Medical and Osteopathic Examiners Adopt rules to establish different options the Board has when it considers mirroring physician discipline from another state and establish continuing education as a requirement for physical therapy license renewal; 43 SDR 145, May 8, 2017.
6-16-2017	Department of Health: State Board of Dentistry Amend rules to update the registration process for dental entities to bring it into compliance with SB 47 and repeal obsolete provisions; 43 SDR 146, May 8, 2017.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, June 5, 2017, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2017 interim: July 17, August 22, September 25, and November 14.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.