

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., May 21, 2012

NOTICES 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 14, 2012) intends to amend Fall Wild Turkey Hunting Season rules to establish the number and types of licenses available in the East River Prairie and Black Hills units and close Harding and Turner counties to fall turkey hunting; amend a Waterfowl Hunting Seasons (Goose Hunting Season – August Management Take) rule to expand the open area to include Brown, Hutchinson, Spink and Turner counties; amend Black Hills Deer Hunting Season rules to establish the number and types of licenses available; amend West River Prairie Deer Season rules to eliminate the Fall (September 29, 2012 – October 14, 2012) west river "antlerless deer" season, establish the number and types of licenses/tags available, modify the boundary description for Unit WRD-27L to add some additional public lands adjacent to the Cheyenne River and Angostura Reservoir and to make the unit boundary more easily identifiable for hunters, and provide that only unfilled "antlerless deer" and "antlerless whitetail deer" tags are valid during the antlerless deer season extension beginning the Saturday after Christmas; amend Archery Deer Hunting Season rules and a Uses of Parks and Public Lands rule to add Brookings, Deuel, Hamlin and McCook counties to the restricted area where only one (1) single-tag antlerless deer license is valid, provide that "any antlerless deer" licenses are not valid for the Sand Lake NWR, allow 45 "antlerless deer" and 5 "any deer" resident licensees to hunt deer at the Adams Homestead and Nature Preserve and 5 "antlerless deer" and 5 "any deer" resident

licensees to hunt deer at the Blood Run Nature Area through "Access Permits" issued via lottery drawing by the Department, and allow an individual to possess an uncased bow and allow the use of bow and arrow to hunt deer and turkey within the Blood Run Nature Area; amend an Archery Antelope Hunting Season rule to eliminate the two-tag license valid for one "any antelope" and one "doe-fawn antelope", and adjust the open area to include those portions of Custer and Pennington counties within the Black Hills Fire Protection District (except Custer State Park) and issue 5 special access permits via lottery drawing to those licensees who possess a valid "any antelope" resident archery license; amend a Youth Deer Hunting Season rule to add Brookings, Codington, Deuel, Grant, Hamlin, Lake, Lincoln, McCook, Minnehaha, Moody, Roberts, Turner, and Yankton counties to the restricted area where only one youth deer license is valid; amend a General Muzzleloading Deer Hunting Season rule and Hunting Requirements and Prohibited Methods rules to add Brookings, Deuel, Hamlin, and McCook counties to the restricted area where only one (1) single tag "antlerless deer" license is valid; amend Furbearer Seasons rules to authorize a limited season in certain counties (Buffalo, Brule, Charles Mix, Bon Homme, and Yankton) east of the Missouri River with a limit of one (1) bobcat per trapper or hunter and establish a limited hunting season for muskrats; and amend Trapping Prohibitions rules to change the date that traps may be placed prior to the mink season, 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; and consolidate and repeal rules to eliminate redundancy throughout the administrative rules of the department. The general authority for these rules, as cited by the department, is SDCL §§ 1-27-1, 41-2-18, 41-6-21, 41-6-29.1, 41-6-37.2, 41-8-1.1, 41-8-20, 41-11-5, 41-17-1.1, and 41-17-18.

A public hearing will be held at the Best Western Ramkota Hotel, 920 West Sioux Avenue, Pierre, South Dakota, on June 7, 2012, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. 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. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to Wildinfo@state.sd.us. All written and email comments must include the commenter's name and address. 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) 773-3387 before the hearing.

Office of Attorney General: 24/7 Sobriety Program: (May 15, 2012) intends to amend rules to change the time period for inspection and calibration testing of ignition interlock devices and amend the monitoring fees of ignition interlock devices. The general authority for these rules, as cited by the office, is SDCL §§ 1-11-24 and 1-11-33.

A public hearing will be held at the George S. Mickelson Criminal Justice Center Commission Conference Room, 1302 East Highway 14, Pierre, South Dakota, on June 15, 2012, at 10:00 a.m. CST. A copy of the proposed rules may be obtained without charge from and

written comments sent to the Office of Attorney General, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments will be accepted for a period of ten days after the hearing. Persons who have special needs for which the office can make arrangements are asked to call (605) 773 3215 at least 48 hours before the hearing.

Secretary of State: (May 17, 2012) intends to adopt rules to establish forms and procedures necessary for the issuance of a certificate of authorization to provide postsecondary education. The general authority for these rules, as cited by the office, is SDCL § 13-48-39.

A public hearing will be held in Suite 204, 2nd floor, State Capitol, Pierre, South Dakota, on June 11, 2012, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, 500 East Capitol, Suite 204, Pierre, South Dakota 57501. Written comments must be received on or before June 21, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773 3537 at least 48 hours before the hearing.

Department of Agriculture: State Brand Board: (May 17, 2012) intends to adopt rules to increase the fee for replacing a duplicate brand certificate and increase the per head inspection fee for livestock ownership inspection. The general authority for these rules, as cited by the board, is SDCL § 40-18-16.

A public hearing will be held in the Matthew Training Center, first floor of the Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on June 27, 2012, at 10:30 a.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Brand Board, 209 W. Dakota Avenue, Pierre, South Dakota 57501. Written comments must be received by the board no later than June 18, 2012, to be

considered. 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) 773-3324 at least 48 hours before the hearing.

Governor's Office of Economic Development: Board of Economic Development: (May 17, 2012) intends to amend rules to provide for a permanent credit committee, along with other committees, of the Board of Economic Development, and to grant certain powers to the credit committee; and to repeal the Tourism Enhancement Program. The general authority for these rules, as cited by the office, is SDCL §§ 1-16G-5, 1-16G-8, and 1-16G-28.

A public hearing will be held in the conference room at the offices of the Governor's Office of Economic Development, 210 East Fourth Street, Pierre, South Dakota, on June 12, 2012, at 9:00 a.m. (CDST). Copies of the proposed rules may be obtained from and written comments sent to the Governor's Office of Economic Development, 711 East Wells Avenue, Pierre, South Dakota 57501. Written comments must be received by June 11, 2012, to be considered. 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) 773-3301 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments (Governor's Office revisions):

Richard H. Broderick, Jr., Rapid City, was appointed on May 14, 2012, to the **Fire Marshal's Advisory Board**, to replace Jim Tish, effective immediately and shall continue until April 12, ~~2016~~ 2013.

Jerry L. Diamond, Oacoma, was appointed on May 14, 2012, to the **Fire Marshal's Advisory Board**, to replace Ralph Stinson, effective immediately and shall continue until April 12, ~~2016~~ 2013.

Richard C. Gustad, Jr., Platte, was appointed on May 14, 2012, to the **Fire Marshal's Advisory Board**, to replace Daniel Cotton, effective immediately and shall continue until April 12, ~~2016~~ 2014.

James E. Strain, Rapid City, was appointed on May 14, 2012, to the **Fire Marshal's Advisory Board**, to replace Bruce Milne, effective immediately and shall continue until April 12, ~~2016~~ 2014.

Note: A copy of the rules may be obtained directly from the above agencies. 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

6-7-2012	Game, Fish and Parks	Amend Fall Wild Turkey Hunting Season rules to establish the number and types of licenses available in the East River Prairie and Black Hills units and close Harding and Turner
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	<p>counties to fall turkey hunting; amend a Waterfowl Hunting Seasons (Goose Hunting Season – August Management Take) rule to expand the open area to include Brown, Hutchinson, Spink and Turner counties; amend Black Hills Deer Hunting Season rules to establish the number and types of licenses available; amend West River Prairie Deer Season rules to eliminate the Fall (September 29, 2012 – October 14, 2012) west river "antlerless deer" season, establish the number and types of licenses/tags available, modify the boundary description for Unit WRD 27L to add some additional public lands adjacent to the Cheyenne River and Angostura Reservoir and to make the unit boundary more easily identifiable for hunters, and provide that only unfilled "antlerless deer" and "antlerless whitetail deer" tags are valid during the antlerless deer season extension beginning the Saturday after Christmas; amend Archery Deer Hunting Season rules and a Uses of Parks and Public Lands rule to add Brookings, Deuel, Hamlin and McCook counties to the restricted area where only one (1) single-tag antlerless deer license is valid, provide that "any antlerless deer" licenses are not valid for the Sand Lake NWR, allow 45 "antlerless deer" and 5 "any deer" resident licensees to hunt deer at the Adams Homestead and Nature Preserve and 5 "antlerless deer" and 5 "any deer" resident licensees to hunt deer at the Blood Run Nature Area through "Access Permits" issued via lottery drawing by the Department, and allow an individual to possess an uncased bow and allow the use of bow and arrow to hunt deer and turkey within the Blood Run Nature Area; amend an Archery Antelope Hunting Season rule to eliminate the two-tag license valid for one "any antelope" and one "doe-fawn antelope", and adjust the open area to include those portions of Custer and Pennington counties within the Black Hills Fire Protection District (except Custer State Park) and issue 5 special access permits via lottery drawing to those licensees who possess a valid "any antelope" resident archery license; amend a Youth Deer Hunting Season rule to</p>
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		add Brookings, Codington, Deuel, Grant, Hamlin, Lake, Lincoln, McCook, Minnehaha, Moody, Roberts, Turner, and Yankton counties to the restricted area where only one youth deer license is valid; amend a General Muzzleloading Deer Hunting Season rule and Hunting Requirements and Prohibited Methods rules to add Brookings, Deuel, Hamlin, and McCook counties to the restricted area where only one (1) single tag "antlerless deer" license is valid; amend Furbearer Seasons rules to authorize a limited season in certain counties (Buffalo, Brule, Charles Mix, Bon Homme, and Yankton) east of the Missouri River with a limit of one (1) bobcat per trapper or hunter and establish a limited hunting season for muskrats; and amend Trapping Prohibitions rules to change the date that traps may be placed prior to the mink season, 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; and consolidate and repeal rules to eliminate redundancy throughout the administrative rules of the department; 38 SDR 203.
6-11-2012	Health: Health Systems Development and Regulation	Repeal the health professional recruitment incentive program rules and adopt rules to establish a program to assist rural health care facilities in the recruitment of certain health care professionals; 38 SDR 199.
6-11-2012	Secretary of State	Adopt rules to establish forms and procedures necessary for the issuance of a certificate of authorization to provide postsecondary education; 38 SDR 204.
6-12-2012	Governor's Office of Economic Development: Board of Economic Development	Amend rules to provide for a permanent credit committee, along with other committees, of the Board of Economic Development, and to grant certain powers to the credit committee; and to repeal the Tourism Enhancement Program; 38 SDR 205.
6-15-2012	Attorney General: 24/7 Sobriety Program	Amend rules to change the time period for inspection and calibration testing of ignition interlock devices and amend the monitoring

		fees of ignition interlock devices; 38 SDR 204.
6-26-2012	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; 38 SDR 199.
6-27-2012	Agriculture: State Brand Board	Adopt rules to increase the fee for replacing a duplicate brand certificate and increase the per head inspection fee for livestock ownership inspection; 38 SDR 204.
9-7-2012	Tourism: State Historical Society	Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant; 38 SDR 199.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 29, 2012, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: July 10, August 14, September 18, November 13, and December 18.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.