

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., June 15, 2015

**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:***

(June 10, 2015) intends to amend a Custer State Parks Restrictions rule to prohibit hunting any big game species within 200 yards of any public access road or building in Custer State Park; amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags for residents and nonresident hunters in the East River Prairie Units and the Black Hills Unit (Unit BH1), and modify Unit NE1 to include those portions of Marshall County located south and east of SD Hwy. 25 and north of SD Hwy. 10 and Roberts County north of SD Hwy. 10; amend an Antelope Hunting Season rule to adjust the number of licenses/tags for residents and nonresident hunters; and amend a Waterfowl Hunting Season rule to modify the boundaries of Units 1 and 2 established in ARSD § 41:06:16:07. The general authority for these rules, as cited by the department, is SDCL §§ 34A-8-3, 41-2-18, 41-6-21, 41-11-5, and 41-17-1.1.

A public hearing will be held at the RedRossa Convention Center, 808 W. Sioux Avenue, Pierre, South Dakota, on July 1, 2015, 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, South Dakota 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](mailto:wildinfo@state.sd.us) or [gfpadminrules@state.sd.us](mailto: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 LABOR AND REGULATION: APPRAISER**

**CERTIFICATION PROGRAM:** 20:14:04:05, 20:14:04:14, 20:14:04:17; 20:14:05:01.02; 20:14:05:06.01, 20:14:05:06.02; 20:14:07:01, 20:14:07:02; 20:14:10:01, 20:14:10:02, 20:14:10:05; 20:14:11:02, 20:14:11:03; 20:14:12:02; and 20:14:13:01.01.

History-Notice: 41 SDR 165, April 20, 2015  
Hearing: May 8, 2015  
Filed: June 8, 2015  
Effective: June 29, 2015

**DEPARTMENT OF TRANSPORTATION:**

70:01:02:00, 70:01:02:00.1, 70:01:02:45, and 70:01:02:49.

History-Notice: 41 SDR 172, April 27, 2015  
Hearing: May 28, 2015  
Filed: June 8, 2015  
Effective: June 29, 2015

**OFFICE OF ATTORNEY GENERAL:**  
2:03:01:01 and 2:03:01:02.

67:42:05:04; 67:46:04:13; 67:46:05:15;  
67:46:07:03, 67:46:07:12; and 67:46:11:10.

History-Notice: 41 SDR 166, April 20, 2015  
Hearing: May 18, 2015  
Filed: June 8, 2015  
Effective: July 1, 2015

History-Notice: 41 SDR 163, April 13, 2015  
Hearing: May 8, 2015  
Filed: June 9, 2015  
Effective: June 30, 2015

**BUREAU OF ADMINISTRATION:**  
10:09:01:01; 10:09:02:01; 10:09:03:01;  
10:09:05:01 and 10:09:05:02.

History-Notice: 41 SDR 166, April 20, 2015  
Hearing: May 13, 2015  
Filed: June 9, 2015  
Effective: June 30, 2015

**DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:** 24:55:01:01 to 24:55:01:05, inclusive; 24:55:02:02 to 24:55:02:09, inclusive, 24:55:02:13, 24:55:02:14, Appendices A - L; 24:55:03:02 to 24:55:03:14, inclusive; 24:55:04:02 to 24:55:04:04, inclusive, 24:55:04:06, 24:55:04:07, 24:55:04:08.01, 24:55:04:09; 24:55:05:02, 24:55:05:03, Appendix A; 24:55:07:02 to 24:55:07:05, inclusive, 24:55:07:11, 24:55:07:14; and 24:55:10:01.

History-Notice: 41 SDR 165, April 20, 2015  
Hearing: May 18, 2015  
Filed: June 10, 2015  
Effective: July 1, 2015

**DEPARTMENT OF AGRICULTURE: DIVISION OF AGRICULTURAL SERVICES:** 12:81:01:01; 12:81:02:01, 12:81:02:02; 12:81:03:01 to 12:81:03:05, inclusive; 12:81:04:01 to 12:81:04:05, inclusive; 12:81:05:01; 12:81:06:01, 12:81:06:02; 12:81:07:01 to 12:81:07:08, inclusive; 12:81:08:01 to 12:81:08:19, inclusive; and 12:81:09:01 to 12:81:09:11, inclusive.

History-Notice: 41 SDR 179, May 4, 2015  
Hearing: May 22, 2015  
Filed: June 9, 2015  
Effective: June 30, 2015

**DEPARTMENT OF REVENUE: SD COMMISSION OF GAMING:** 20:18:01:01; 20:18:06:02, 20:18:06:12; 20:18:12:01:09, 20:18:12:01:19 to 20:18:12:01:21, inclusive; 20:18:14:01; 20:18:14:01:01; 20:18:15:30.07, 20:18:15:30.14; 20:18:16:15.02, 20:18:16:15.09; 20:18:18:15; 20:18:19:09 to 20:18:19:14, inclusive; 20:18:20:13; 20:18:22:12, 20:18:22:23; 20:18:29:03, 20:18:29:07, 20:18:29:13; 20:18:32:01 to 20:18:32:18, inclusive; 20:18:33:01 to 20:18:33:11, inclusive; 20:18:34:01 to 20:18:34:11, inclusive, and Appendix A.

History-Notice: 41 SDR 166, April 20, 2015  
Hearing: May 12, 2015  
Filed: June 10, 2015  
Effective: July 1, 2015

**DEPARTMENT OF HEALTH: DIVISION OF HEALTH SYSTEMS DEVELOPMENT AND REGULATION:** 44:05:01:01; 44:05:02:01; 44:05:03:04, 44:05:03:06.02, 44:05:03:06.03; 44:05:05:11; 44:05:06:01, 44:05:06:03, 44:05:06:04, and 44:05:06:09.

History-Notice: 41 SDR 171, April 27, 2015  
Hearing: May 20, 2015  
Filed: June 9, 2015  
Effective: July 1, 2015

**DEPARTMENT OF SOCIAL SERVICES:**  
67:11:01:03; 67:15:01:01, 67:15:01:02,  
67:15:01:18, 67:15:01:20; 67:16:25:06.07;  
67:18:01:01, 67:18:01:56, 67:18:01:65;

**SECRETARY OF STATE: BOARD OF FINANCE:** 5:01:02:01, 5:01:02:01.01, 5:01:02:07, 5:01:02:10.01, 5:01:02:11, 5:01:02:14, 5:01:02:14.01, 5:01:02:17,

5:01:02:18, 5:01:02:19, and 5:01:02:23.

History-Notice: 41 SDR 137, March 2, 2015  
 Hearing: March 31, 2015  
 Filed: June 10, 2015  
 Effective: July 1, 2015

**DEPARTMENT OF LABOR AND  
 REGULATION: SD BANKING  
 COMMISSION:** 20:07:06:01.01 and  
 20:07:06:02.

History-Notice: 41 SDR 171, April 27, 2015  
 Hearing: May 15, 2015  
 Filed: June 11, 2015  
 Effective: July 1, 2015

**DEPARTMENT OF LABOR AND  
 REGULATION: DIVISION OF  
 INSURANCE:** 47:03:10:01 to 47:03:10:03,  
 inclusive, and Appendices A & B.

History-Notice: 41 SDR 172, April 27, 2015  
 Hearing: May 18, 2015  
 Filed: June 11, 2015  
 Effective: July 1, 2015

**DEPARTMENT OF LABOR AND  
 REGULATION: SD REAL ESTATE  
 COMMISSION:** 20:69:04:08, 20:69:04:14,  
 20:69:04:28; 20:69:11:01, 20:69:11:01.05,  
 20:69:11:01.06; 20:69:11:02, 20:69:11:02.01,  
 20:69:11:02.02, 20:69:11:03, 20:69:11:04,  
 20:69:11:06, 20:69:11:08, 20:69:11:08.03.

History-Notice: 41 SDR 171, April 27, 2015  
 Hearing: May 13, 2015  
 Filed: June 11, 2015  
 Effective: July 1, 2015

**DEPARTMENT OF LABOR AND  
 REGULATION: SD RETIREMENT  
 SYSTEM:** 62:03:01:01, 62:03:05:01;  
 62:03:07:01, 62:03:07:01.01, 62:03:07:01.02,  
 62:03:07:02, 62:03:07:03, 62:03:07:03.01,  
 62:03:07:04, 62:03:07:06, 62:03:07:06.01, and  
 62:03:07:07.

History-Notice: 41 SDR 187, May 15, 2015  
 Hearing: June 4, 2015  
 Filed: June 11, 2015  
 Effective: July 1, 2015

**DEPARTMENT OF LABOR AND  
 REGULATION: STATE PLUMBING  
 COMMISSION:** 20:54:02:01.

History-Notice: 41 SDR 157, March 30, 2015  
 Hearing: April 23, 2015  
 Filed: June 12, 2015  
 Effective: July 2, 2015

#### **Executive Order:**

The Governor has signed **Executive Order 2015-09**, dated June 12, 2015. This order implements a waiver from the self-dealing limitations recently imposed on state officers and employees for routine purchases of \$200.00 or less.

#### **Legislative Appointment:**

**Ms. Laura McNally**, Belle Fourche, was appointed on June 9, 2015, to the **South Dakota Investment Council**, to replace Jon Hunter, effective July 1, 2015, and shall continue until June 30, 2020.

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**

6-19-2015	Health: Board of Dentistry	Amend rules to change the name Advanced Dental Assistant to Registered Dental Assistant and update the definition to maintain consistency with state law; 41 SDR 180, May 4, 2015.
6-23-2015	Labor and Regulation: Division of Unemployment Insurance	Adopt a rule to authorize the use of the Treasury Offset Program (TOP) to collect delinquent covered unemployment compensation (UC) debt from employers; 41 SDR 201, May 26, 2015.
6-24-2015	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend rules to allow physician's assistants and nurse practitioners to conduct examinations of law enforcement officers and create an enhanced concealed pistol use of force training program, to establish rules regarding the minimum standards for a person to attend the training program, expiration date for the use of force training certificate of completion and rules regarding the implementation of the course, including the training course fees; 41 SDR 207, June 1, 2015.
6-25-2015	Environment and Natural Resources: Board of Water and Natural Resources	Amend a rule to make adjustments to the director areas of the James River Water Development District; 41 SDR 207, June 1, 2015.
6-25-2015	Transportation	Amend a Speed Limits rule in Beadle County beginning at the junction of SD Highway 37 and SD Highway 34 to 0.10 mile west of 232 <sup>nd</sup> Street; then beginning 0.10 mile east of Main Street in Forestburg to the east junction of SD Highway 37 and SD Highway 34 is being increased to 70 miles per hour; 41 SDR 213, June 8, 2015.
7-1-2015	Game, Fish and Parks	Amend a Custer State Parks Restrictions rule to prohibit hunting any big game species within 200 yards of any public access road or building in Custer State Park; amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags for residents and nonresident hunters in the East River Prairie Units and the Black Hills Unit (Unit BH1), and modify Unit NE1 to include those portions of Marshall County located south and east of SD Hwy. 25 and north of SD Hwy. 10 and Roberts County north of SD Hwy. 10; amend an Antelope Hunting Season rule to adjust the number of licenses/tags for residents and nonresident hunters; and amend a Waterfowl Hunting Season rule to modify the boundaries of Units 1 and 2 established in ARSD § 41:06:16:07; 41 SDR 217, June 15, 2015.

7-15-2015	Labor and Regulation: Division of Banking: SD Public Deposit Protection Commission	Amend rules to modify the information required to be reported by public depositories to include the amount and number of public demand and time deposits over the amount of deposit insurance provided by the FDIC rather than the total amount and number of public demand and time deposits, remove trust companies from the list of entities eligible to receive public deposits, correct typographical errors, make certain form and style edits, and specify the information that must be reported to the commission for any certificate of deposit pledged to secure public deposits, eliminate the requirement that liability reports to the Public Deposit Protection Commission be sworn before a notary, delete an outdated cross-reference, add certificates of deposit to the existing process for pledging eligible collateral, change the value of surety bonds pledged as security for public deposits from 110% of the value of the public deposits to be secured to 100%, change the required value of eligible collateral pledged as security for public deposits from 110% of the value of the public deposits to be secured to 100%, delete an outdated statutory reference, and allow certificates of deposits to be pledged as eligible collateral by public depositories; 41 SDR 213, June 8, 2015.
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### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, July 20, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: August 17, September 21, November 9, and December 14.

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

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