

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., June 20, 2016

FILINGS IN THE LEGISLATIVE

RESEARCH COUNCIL'S OFFICE: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Agriculture: Animal Industry Board: (June 14, 2016) intends to amend rules to change and update current language of reference material. The general authority for these rules, as cited by the board, is SDCL §§ 1-26-1, 40-3-14, 40-3-25, 40-3-26, 40-5-5.1, 40-5-8.6, and 40-9A-12.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on July 12, 2016, at 10:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the Board Office by July 11, 2016, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 at least 48 hours before to the hearing.

Department of Game, Fish, and Parks:

(June 15, 2016) intends to amend Uses of Parks and Public Lands rules to clarify that the time restrictions applicable to use of the state park system and use of public hunting areas and lake access areas apply to persons who not only enter, but also use or occupy, the areas designated in rule, and repeal a redundant rule that restricts use of bicycles to certain designated areas in Newton Hills State Park and Lewis and Clark State Recreation Area; amend

Camping Permits and Rules to limit occupation of a campsite at any state park, recreation area or lakeside use area to 14 consecutive nights and require a person to remove their camping unit from the campsite by check-out time the day following the 14th night for at least one night before reserving the site, or another site, at that location and revise the manner in which campers make reservations for campsites in campgrounds; amend a Possession, Processing and Transportation of Game rule to exempt licensed private shooting preserves from the records requirements set forth in ARSD § 41:06:03:11; amend a Sage Grouse Hunting Season rule and an Application for License rule to establish a two-day season to consist of all public land and private land leased as Walk-In Areas in Harding County and west of US Highway 85 in Butte County, bag limit of one sage grouse per hunter per season, offer 40 licenses allocated by a limited drawing process; amend Fall Wild Turkey Hunting Season rules to set the number of licenses for the Prairie units, dissolve the West River Prairie Unit and in substitute, offer license specific allocations for Unit 30A (Gregory County), Unit 50A (Mellette County), and Unit 53A (Perkins County and that portion of Meade County north of US Highway 212), modify Unit 08A (Davison and Hanson counties) to include an area within immediate vicinity around the city of Mitchell, change the designation of Unit NE1 (Northeast South Dakota) to Unit 48A (Marshall and Roberts counties) and retain the same geographic area open for the fall season, repeal language which limits a person to two fall turkey licenses, and remove the language depicting the license type and number of license from each hunting unit and substitute with the cumulative number of single and multiple tag

licenses; amend Antelope Hunting Season rules to add language to clarify that if no licenses are allocated for a specific hunting unit, that unit is dissolved for the purposes of designating areas open to hunting as it pertains to the archery antelope season and the provisions of codified law which describes reduced fee licenses for landowner on own land licenses, and remove the language depicting the license type and number of licenses from each hunting unit and substitute with the cumulative number of single and multiple tag licenses; amend Pheasant Hunting Season for Disabled Veterans rules to establish special pheasant hunts for qualifying disabled resident and nonresident veterans by allowing any nonprofit organization to establish special one-or-two day pheasant hunts during the months of October and November and repeal a rule that requires a disabled veteran be confined to a wheelchair; and amend a Private Shooting Preserves rule to increase the number of harvested preserve birds without plumage attached that may be enclosed in a vacuum-sealed or shrink-wrapped package. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-11-5, 41-11-5.5, and 41-17-1.1.

A public hearing will be held at the Red Rossa Convention Center, 808 W. Sioux Ave., Pierre, South Dakota, on July 7, 2016, 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 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 EDUCATION: BOARD OF EDUCATION: 24:55:01:01; 24:55:03:15; and 24:55:04:11.

History-Notice: 42 SDR 145, April 18, 2016
 Hearing: May 16, 2016
 Filed: June 6, 2016
 Effective: June 27, 2016

DEPARTMENT OF AGRICULTURE: SD STATE FAIR: 12:02:10:01.

History-Notice: 42 SDR 149, April 25, 2016
 Hearing: May 13, 2016
 Filed: June 13, 2016
 Effective: July 5, 2016

Legislative Appointments:

Thomas Geu, Vermillion, was reappointed on June 13, 2016, to the **Uniform Laws Commission**, effective August 1, 2016, and shall continue until July 31, 2019.

Representative Timothy R. Johns, Lead, was appointed on June 13, 2016, to the **Uniform Laws Commission**, to replace David Lust, effective August 1, 2016, and shall continue until July 31, 2019.

Jeffrey Nelson, Wentworth, was appointed on June 13, 2016, to the **South Dakota Investment Council**, to replace Jim Means, effective July 1, 2016, and shall continue until June 30, 2021.

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>7-7-2016</p>	<p>Department of Game, Fish, and Parks Amend Uses of Parks and Public Lands rules to clarify that the time restrictions applicable to use of the state park system and use of public hunting areas and lake access areas apply to persons who not only enter, but also use or occupy, the areas designated in rule, and repeal a redundant rule that restricts use of bicycles to certain designated areas in Newton Hills State Park and Lewis and Clark State Recreation Area; amend Camping Permits and Rules to limit occupation of a campsite at any state park, recreation area or lakeside use area to 14 consecutive nights and require a person to remove their camping unit from the campsite by check-out time the day following the 14th night for at least one night before reserving the site, or another site, at that location and revise the manner in which campers make reservations for campsites in campgrounds; amend a Possession, Processing and Transportation of Game rule to exempt licensed private shooting preserves from the records requirements set forth in ARSD § 41:06:03:11; amend a Sage Grouse Hunting Season rule and an Application for License rule to establish a two-day season to consist of all public land and private land leased as Walk-In Areas in Harding County and west of US Highway 85 in Butte County, bag limit of one sage grouse per hunter per season, offer 40 licenses allocated by a limited drawing process; amend Fall Wild Turkey Hunting Season rules to set the number of licenses for the Prairie units, dissolve the West River Prairie Unit and in substitute, offer license specific allocations for Unit 30A (Gregory County), Unit 50A (Mellette County), and Unit 53A (Perkins County and that portion of Meade County north of US Highway 212), modify Unit 08A (Davison and Hanson counties) to include an area within immediate vicinity around the city of Mitchell, change the designation of Unit NE1 (Northeast South Dakota) to Unit 48A (Marshall and Roberts counties) and retain the same geographic area open for the fall season, repeal language which limits a person to two fall turkey licenses, and remove the language depicting the license type and number of license from each hunting unit and substitute with the cumulative number of single and multiple tag licenses; amend Antelope Hunting Season rules to add language to clarify that if no licenses are allocated for a specific hunting unit, that unit is dissolved for the purposes of designating areas open to hunting as it pertains to the archery antelope season and the provisions of codified law which describes reduced fee licenses for landowner on own land licenses, and remove the language depicting the license type and number of licenses from each hunting unit and substitute with the cumulative number of single and multiple tag licenses; amend Pheasant Hunting Season for Disabled Veterans rules to establish special pheasant hunts for qualifying disabled resident and nonresident veterans by allowing any nonprofit organization to establish special one-or-two day pheasant hunts during the months of October and November and repeal a rule that requires a disabled veteran be confined to a wheelchair; and amend a Private Shooting Preserves rule to increase the number of harvested preserve birds without plumage attached that may be enclosed in a vacuum-sealed or shrink-wrapped package; 42 SDR 181, June 20, 2016.</p>
<p>7-8-2016</p>	<p>Department of Labor and Regulation: Appraiser Certification Program Amend rules to allow appraisers to submit appraisals for compliance review midway</p>

	through the experience hours required to upgrade to a higher level of licensure or certification; add midway review upgrade fees; establish allegation of non-compliance as the first step for initiation of an investigation and prior to formal complaint charges; and replace the term anonymous complaint with allegation of non-compliance; 42 SDR 177, June 13, 2016.
7-12-2016	Department of Agriculture: Animal Industry Board Amend rules to change and update current language of reference material; 42 SDR 181, June 20, 2016.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, July 12, 2016, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2016 Interim: August 22, September 26, 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>.