

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., June 30, 2014

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Labor and Regulation: Division of Insurance: (June 24, 2014) intends to amend rules to update sources referenced; update an appendix; and clarify the definition of an eligible association. The general authority for these rules, as cited by the department, is SDCL §§ 58-3-11, 58-3-26, 58-4-48, 58-6-75, 58-18-62, 58-26-13.1, 58-26-46, 58-27-7, and 58-27-108.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on July 21, 2014, at 2:00 p.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. The text of the proposed rules will be posted on the department's website: http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rules may also be obtained as a Microsoft Word attachment by emailing mallori.barnett@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

Department of Labor and Regulation: State Plumbing Commission: (June 26, 2014) intends to amend rules to increase license and examination fees, residential inspection fees, establish a license fee for apprentice plumbers, and adopt licensing criteria for apprentice

plumbers. The general authority for these rules, as cited by the commission, is SDCL §§ 36-25-14, 36-25-15, 36-25-17.1, 36-25-19, 36-25-19.1, 36-25-22, and 36-25-24.

A public hearing will be held in the Governor's Inn Conference Room, 700 West Sioux Ave., Pierre, South Dakota, on July 24, 2014, at 11:00 a.m. Copies of the proposed rules may be obtained without charge from the State Plumbing Commission, 308 S. Pierre St., Pierre, South Dakota 57501 or by contacting the office at (605) 773-3429. Written comments may be sent to the State Plumbing Commission and must be received prior to July 24, 2014. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3429 prior to the hearing.

NOTICE:

The **Legislative Research Council** (LRC) is implementing an archive function on the LRC website for administrative rules amended, proposed, or repealed commencing on July 1, 2014.

Correction:

The **LRC** has corrected an apparent error in rule ARSD 67:16:05:05.01. The repeal of subdivision (4) was omitted and has been corrected in LRC's database.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:**Executive Appointments:**

Paul R. Batcheller, Sioux Falls, was reappointed on June 23, 2014, to the **2010 Research and Commercialization Council**, effective July 1, 2014, and shall continue until June 30, 2016.

Chad Comes, Madison, was reappointed on June 23, 2014, to the **Water Management Board**, effective July 1, 2014, and shall continue until June 30, 2018.

Tim Engel, Pierre, was reappointed on June 23, 2014, to the **State Capitol Complex Restoration and Beautification Commission**, effective July 1, 2014, and shall continue until June 30, 2018.

Leo Holzbauer, Wagner, was reappointed on June 23, 2014, to the **Water Management Board**, effective July 1, 2014, and shall continue until June 30, 2018.

Patricia A. Lebrun, Rapid City, was reappointed on June 23, 2014, to the **2010 Research and Commercialization Council**, effective July 1, 2014, and shall continue until June 30, 2016.

David Link, Sioux Falls, was reappointed on June 23, 2014, to the **2010 Research and Commercialization Council**, effective July 1, 2014, and shall continue until June 30, 2016.

Eddie J. Sullivan, Tea, was reappointed on June 23, 2014, to the **2010 Research and Commercialization Council**, effective July 1, 2014, and shall continue until June 30, 2016.

Bradford J. Wheeler, Lemmon, was reappointed on June 23, 2014, to the **2010 Research and Commercialization Council**, effective July 1, 2014, and shall continue until June 30, 2016.

Don Zeller, Pierre, was reappointed on June 23, 2014, to the **State Capitol Complex Restoration and Beautification Commission**, effective July 1, 2014, and shall continue until June 30, 2018.

Sandra J. Zinter, was appointed on June 23, 2014, to the **State Capitol Complex Restoration and Beautification Commission**, to replace Robert Miller, effective July 1, 2014, and shall continue until June 30, 2018.

Todd Bernhard, Ft. Pierre, was reappointed on June 24, 2014, to the **Board of Water and Natural Resources**, effective July 1, 2014, and shall continue until June 30, 2018.

Lorenzo "Jr." Bettelyoun, Rapid City, was reappointed on June 24, 2014, to the **Hagen-Harvey Memorial Scholarship Board**, effective July 1, 2014, and shall continue until June 30, 2019.

Casey L. Derflinger, Custer, was reappointed on June 24, 2014, to the **South Dakota Economic Development Finance Authority Board of Directors**, effective July 1, 2014, and shall continue until June 30, 2018.

Karie Geyer, Veblen, was appointed on June 24, 2014, to the **Governor's Commission on Fort Sisseton**, to replace Joseph Martin, effective immediately and shall continue until November 24, 2016.

Paul Gnirk, New Underwood, was reappointed on June 24, 2014, to the **Board of Water and Natural Resources**, effective July 1, 2014, and shall continue until June 30, 2018.

Dave M. Giovannini, Aberdeen, was reappointed on June 24, 2014, to the **South Dakota Workforce Development Council**, effective July 1, 2014, and shall continue until June 30, 2017.

Bill Hansen, Centerville, was reappointed on June 24, 2014, to the **Housing Development Authority**, effective July 1, 2014, and shall continue until June 30, 2019.

David Hansen, Dell Rapids, was appointed on June 24, 2014, to the **State Plumbing Commission**, to replace Daniel Smith, effective immediately and shall continue until April 14, 2017.

Randall W. Hanson, Aurora, was reappointed on June 24, 2014, to the **South Dakota Workforce Development Council**, effective July 1, 2014, and shall continue until June 30, 2017.

Daniel I. Hartman, Spearfish, was reappointed on June 24, 2014, to the **State Plumbing Commission**, effective immediately and shall continue until April 14, 2017.

Lee Lohff, Yankton, was reappointed on June 24, 2014, to the **South Dakota Athletic Commission**, effective July 1, 2014, and shall continue until June 30, 2017.

Jane Rasmussen, Sisseton, was reappointed on June 24, 2014, to the **State Arts Council**, effective July 1, 2014, and shall continue until June 30, 2017.

Mark J. Rogers, Dell Rapids, was reappointed on June 24, 2014, to the **State Plumbing Commission**, effective immediately and shall continue until April 14, 2017.

Joseph Schartz, Humboldt, was reappointed on June 24, 2014, to the **State Board of Regents**, effective July 2, 2014, and shall continue until July 1, 2016.

Melody Schopp, Pierre, was reappointed on June 24, 2014, to the **Critical Teaching Needs Scholarship Board**, effective July 1, 2014, and shall continue until June 30, 2019.

Randy Stainbrook, Rapid City, was appointed on June 24, 2014, to the **South Dakota Workforce Development Council**, to replace Wallace G. Myers, effective July 1, 2014, and shall continue until June 30, 2017.

Shannon K. Stucker, Aberdeen, was appointed on June 24, 2014, to the **Unemployment Insurance Advisory Council**, to replace Paul Aylward, effective immediately.

James L. Walker, Bath, was reappointed on June 24, 2014, to the **State Arts Council**, effective July 1, 2014, and shall continue until June 30, 2017.

Jack Warner, Pierre, was reappointed on June 24, 2014, to the **Western Interstate Commission for Higher Education**, effective July 1, 2014, and shall continue until June 30, 2018.

Erin Yost, Gann Valley, was appointed on June 24, 2014, to the **State Fair Commission**, to replace Sue Salter, effective immediately.

Executive Order:

The Governor has signed **Executive Order 2014-04**, dated June 11, 2014. This order revised the functions and reporting requirements for the Council of Economic Advisors to assist the State in preparing a balanced budget. The order implements a monthly review and report for the State's general fund expenditures, the State's workforce utilization as measured by Full Time Equivalents, and the State's general fund receipts.

Legislative Appointment:

Lorin Brass, Lennox, was appointed to the **South Dakota Investment Council**, to replace Hugh Bartels, effective July 1, 2014, and shall continue until June 30, 2019.

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>7-8-2014</p>	<p>Game, Fish and Parks</p>	<p>Amend a Licensing Agents rule to clarify that the department may appoint licensing agents to sell park entrance licenses; amend Uses of Parks and Public Lands rules to add a general prohibition on use of crossbows (along with firearms and bows) in state parks, state recreation areas, state nature areas, and state lakeside use areas, and also specify exceptions to the restrictions on use of crossbows in these areas, and allow use of crossbows on lands owned by the Otter Tail Company and leased by the department as a game production area in Grant County and the Lake Andes Unit's game production areas in Charles Mix County; amend a License Forms and Fees rule to revise the current rule pertaining to replacement of a lost or destroyed license, permit or tag to authorize the department to replace a license, permit or tag in situations where through a licensee's oversight the license, permit or tag is not in the licensee's possession, or a licensee is requesting a replacement for a license, permit or tag that has been issued but not received (e.g., in the mail), require a licensee to return the original license, permit or tag issued to the licensee to the department within ten days, establish the fee for replacing all license types at \$20, and require the department to charge the license agent's fee established in SDCL 41-6-66.1; adopt a Possession, Processing and Transportation of Game rule to establish a process pursuant to which a wildlife processing facility may deem game (other than waterfowl) left at the facility as "abandoned" and allow the wildlife processing facility to turn possession of the abandoned game to a non-profit or charitable organization that distributes food or other services to the needy; amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available</p>
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		<p>in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit; amend an Antelope Hunting Season rule to adjust the number of licenses/tags available and close Unit 60A to both firearms and archery; and amend a Waterfowl Hunting Seasons rule by modifying the boundaries of Units 1 and 2 established in ARSD 41:06:16:07 by adding all of Custer, Fall River and Pennington counties into Unit 2, and adding that portion of Perkins County west of SD Highway 75 and south of SD Highway 20 into Unit 1 (area open to Early Fall Canada Goose Hunting Season); 40 SDR 231.</p>
7-15-2014	Secretary of State: Board of Finance	Amend a rule to increase the allowable in-state lodging reimbursement amount for State employees traveling on official in-state travel effective January 1, 2015; 40 SDR 232.
7-15-2014	Agriculture: Animal Industry Board	Amend a rule to relax quarantine requirements for baby calves moving into South Dakota; 40 SDR 232.
7-21-2014	Education: Board of Education	Amend rules to update terminology, criteria, and other requirements regarding the definition and evaluation of autism spectrum disorder,

		reference the current edition of the Diagnostic and Statistical Manual of Mental Disorders, repeal sections already covered by other comprehensive evaluation rules, and make the definition of "students with disabilities" in the accountability rules consistent with the definition in the special education rules; 40 SDR 232.
7-21-2014	Labor and Regulation: Division of Insurance	Amend rules to update sources referenced; update an appendix; and clarify the definition of an eligible association; 40 SDR 237.
7-24-2014	Labor and Regulation: State Plumbing Commission	Amend rules to increase license and examination fees, residential inspection fees, establish a license fee for apprentice plumbers, and adopt licensing criteria for apprentice plumbers; 40 SDR 237.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, July 8, 2014, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Mitchell – Mitchel Technical Institute, 1800 E. Spruce, Room TC 155; Rapid City – SD School of Mines & Technology, 501 E. St. Joseph St., Room CB 109; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2014 interim: August 12, September 16, November 12, and December 16.

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>.