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## South Dakota Legislative Research Council

Volume 43

Tuesday, 8:00 a.m., July 5, 2016

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### 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 Revenue: Division of Motor Vehicles:** (June 28, 2016) intends to amend rules to have the department conduct the inspection and identification functions of the replacement and assigned vehicle identification number (VIN) system, clarify where applicants need to apply for assigned or replacement VINs and that the department will be scheduling and conducting any required inspections, clarify where applicants need to apply for trailer identification numbers and that the department will inspect and attach the trailer identification number to any trailer weighting 3,000 pounds or more, clarify that the secondary VIN location will now be obtained by the department from the National Insurance Crime Bureau, clarify that the department is ordering, storing, and maintaining information regarding replacement and assigned VIN plates, change the application requirements for an assigned or replacement VIN plate and how the mutilated or damaged VIN plate is removed from the vehicle and returned to the department, clarify who is assigning the new VIN and attaching that VIN to the vehicle, repeal a rule that is no longer needed, clarify and make consistent the numbering system and application process for trailers, clarify that the department assigns VINs to newly constructed vehicles, and clarify that numbers will be affixed to all vehicles, including rebuilds, in the same manner. The general authority for these rules, as cited by the department, is SDCL § 32-3-57.

A public hearing will be held in the Anderson Building, Room 109, 445 E. Capitol Avenue, Pierre, South Dakota, on August 1, 2016, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Copies of the rules are also available at [http://dor.sd.gov/Publications/Public\\_Notices/PDFs/dmvrules2016.pdf](http://dor.sd.gov/Publications/Public_Notices/PDFs/dmvrules2016.pdf) or at <http://rules.sd.gov/>. Material sent by mail must reach the department by August 16, 2016, 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) 773-4701 at least 48 hours before the hearing.

**Department of Public Safety:** (June 29, 2016) intends to amend rules to update the adoptions of the National Institute of Standards and Technology (NIST), American Society of Testing and Materials (ASTM) and the International Building, Fire, and Mechanical Codes, update and revise references, require the use of certified test weights, allow NIST traceable field test standards for refined fuels and liquid petroleum gas, and repeal repetitive rules. The general authority for these rules, as cited by the department, is SDCL §§ 13-25-2, 34-29B-2, 34-39-7, 37-2-6, 37-2-7, 37-20-34, 37-21-5, 37-21-6, 37-21A-11, 37-22-3, and 39-1-4.

A public hearing will be held in the First Floor Conference Room of the Sutherland Building, 118 West Capitol Ave., Pierre, South Dakota, on August 2, 2016, at 10:00 a.m. Copies of the proposed rules may be obtained without charge

from and written comments sent to the Department of Public Safety, 118 West Capitol Ave., Pierre, South Dakota 57501. Material sent by mail must reach the Department of Public Safety by August 16, 2016, 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) 773-3178 at least 48 hours before the hearing.

**Declaratory Ruling:**

The **South Dakota Commission on Gaming** has issued a Declaratory Ruling, dated June 22, 2016, to determine that the proposed access between Tin Lizzie Building 9 and Tin Lizzie Building 10 may qualify as an inner access upon a variance from the requirements of the building code and based on safety factors. A copy of the ruling is on file with the Legislative Research Council.

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

**Gaming Compact:**

An extension of the **Gaming Compact** between the **Crow Creek Sioux Tribe** and the **State of South Dakota** was filed on June 27, 2016. The compact was extended until December 31, 2016, unless sooner amended. For further details, contact the Secretary of State's office.

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><b>7-7-2016</b></p>	<p><b>Department of Game, Fish, and Parks</b>                  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 14<sup>th</sup> 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</p>
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	<p>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>
<b>7-8-2016</b>	<p><b>Department of Labor and Regulation: Appraiser Certification Program</b> Amend rules to allow appraisers to submit appraisals for compliance review midway 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.</p>
<b>7-12-2016</b>	<p><b>Department of Agriculture: Animal Industry Board</b> Amend rules to change and update current language of reference material; 42 SDR 181, June 20, 2016.</p>
<b>7-21-2016</b>	<p><b>Department of Labor and Regulation: State Plumbing Commission</b> Amend rules to exempt Class 1 and above certified water and wastewater operators from the commission's sewer and water licensing requirements and update the Uniform Plumbing Code references to the 2015 edition; 42 SDR 185, June 27, 2016.</p>
<b>8-1-2016</b>	<p><b>Department of Revenue: Division of Motor Vehicles</b> Amend rules to have the department conduct the inspection and identification functions of the replacement and assigned vehicle identification number (VIN) system, clarify where applicants need to apply for assigned or replacement VINs and that the department will be scheduling and conducting any required inspections, clarify where applicants need to apply for trailer identification numbers and that the department will inspect and attach the trailer identification number to any trailer weighting 3,000 pounds or more, clarify that the secondary VIN location will now be obtained by the department from the National Insurance Crime Bureau, clarify that the department is ordering, storing, and maintaining information regarding replacement and assigned VIN plates, change the application requirements for an assigned or replacement VIN plate and how the mutilated or damaged VIN plate is removed from the vehicle and returned to the department, clarify who is assigning the new VIN and attaching that VIN to the vehicle, repeal a rule that is no longer needed, clarify and make consistent the numbering system and application process for trailers, clarify that the department assigns VINs to newly constructed vehicles, and clarify</p>

	that numbers will be affixed to all vehicles, including rebuilds, in the same manner; 43 SDR 1, July 5, 2016.
<b>8-2-2016</b>	<b>Department of Public Safety</b> Amend rules to update the adoptions of the National Institute of Standards and Technology (NIST), American Society of Testing and Materials (ASTM) and the International Building, Fire, and Mechanical Codes, update and revise references, require the use of certified test weights, allow NIST traceable field test standards for refined fuels and liquid petroleum gas, and repeal repetitive rules; 43 SDR 1, July 5, 2016.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, July 12, 2016, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. The other DDN sites will be: Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145 and Spearfish – Black Hills State University, 1200 University Station, Room LIB 11. 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>.