

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., July 7, 2014

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

Department of Transportation: (July 24, 2014) is proposing to adopt a Speed Zone rule on State Trunk Highway 42 in Minnehaha County beginning 0.90 mile west of the intersection with Minnehaha County Road 139 then east for 0.80 mile, 55 miles per hour; then east for an additional 0.10 mile to the intersection with Minnehaha County Road 139, 45 miles per hour. The general authority for this rule, as cited by the department, is SDCL § 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on July 24, 2014, at 9:05 a.m. CST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by July 23, 2014, 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Attorney General: Law Enforcement Officers Standards and Training Commission: (July 1, 2014) intends to amend rules to permit the Department of Corrections to certify canine teams for use in the Department of Corrections facilities. The general authority for these rules, as cited by the commission, is SDCL §§ 23-3-35 and 23-3-35.5.

A public hearing will be held at the George S. Mickelson Criminal Justice Center Commission Conference Room, 1302 E. Highway 14, Pierre, South Dakota, on August 19, 2014, at 9:00 a.m. CST. A copy of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments must be received by August 15, 2014, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3584 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Robert Clark, Pierre, was reappointed on July 1, 2014, to the **South Dakota Risk Pool Advisory Board**, effective July 1, 2014, and shall continue until June 30, 2017.

Thomas J. Huber, Pierre, was reappointed on July 1, 2014, to the **South Dakota Risk Pool Advisory Board**, effective July 1, 2014, and shall continue until June 30, 2017.

Cheryl Stone, Pierre, was reappointed on July 1, 2014, to the **South Dakota Risk Pool Advisory Board**, effective July 1, 2014, and shall continue until June 30, 2017.

Rick Stracqualursi, Rapid City, was reappointed on July 1, 2014, to the **South Dakota Risk Pool Advisory Board**, effective July 1, 2014, and shall continue until June 30, 2017.

Executive Orders:

The Governor has signed **Executive Order 2014-06**, dated July 2, 2014. The Order outlines the duties of the Bureau of Finance and Management (BFM) regarding the need for sound, practical financial management practices. The directive requires BFM to prepare a long-term financial plan, a capital expenditure plan, and recommend policies pertaining to the management of debt by certain state agencies.

The Governor has signed **Executive Order 2014-07**, dated July 2, 2014. Under the authority of SDCL Chapter 34-48A, Emergency Management, the Order declares a disaster to exist due to damage from a series of severe

storms, flooding, and tornadoes in Jerauld, Lincoln, and Union counties for three months from the date of this order.

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

7-8-2014	Game, Fish and Parks	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
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		<p>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 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</p>
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		Fall Canada Goose Hunting Season); 40 SDR 231, June 23, 2014.
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, June 23, 2014.
7-15-2014	Agriculture: Animal Industry Board	Amend a rule to relax quarantine requirements for baby calves moving into South Dakota; 40 SDR 232, June 23, 2014.
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, June 23, 2014.
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, June 30, 2014.
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, June 30, 2014.
7-24-2014	Transportation	Adopt a Speed Zone rule on State Trunk Highway 42 in Minnehaha County beginning 0.90 mile west of the intersection with Minnehaha County Road 139 then east for 0.80 mile, 55 miles per hour; then east for an additional 0.10 mile to the intersection with Minnehaha County Road 139, 45 miles per hour; 41 SDR 1, July 7, 2014.
8-19-2014	Attorney General: Law Enforcement Officers Training and Standards Commission	Amend rules to permit the Department of Corrections to certify canine teams for use in the Department of Corrections facilities; 41 SDR 1, July 7, 2014.

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>.

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