

# REGISTER



## South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., September 16, 2013

**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:***

(September 9, 2013) intends to amend a Mountain Lion Hunting Season rule to decrease the total mountain lion harvest limit from 100 to 75 lions and the female harvest limit from 70 to 50 lions within the Black Hills Fire Protection District; and in Custer State Park increase the number of hunting intervals when dog hunting is allowed from 3 to 4 and decrease the number of hunting intervals when no dog hunting is allowed from 5 to 4, resulting in 136 mountain lion licenses issued. The general authority for this rule, as cited by the department, is SDCL § 41-2-18.

A public hearing will be held at the Holiday Inn Express, 305 North 27<sup>th</sup> Street, Spearfish, South Dakota, on October 3, 2013, at 2:00 p.m. MDT. Copies of the proposed rule may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. 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. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to [Wildinfo@state.sd.us](mailto:Wildinfo@state.sd.us). All written and email comments must include the commenter's name and address. 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) 773-3387 before the hearing.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:** (None)

Note: A copy of the rules may be obtained directly from the above agencies. 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

9-26-2013	Agriculture: SD Value Added Finance Authority	Amend rules to make changes to the value added sub fund rules upon moving the fund from the Governor's Office of Economic Development to the Department of Agriculture; through the South Dakota Value Added Finance Authority; 40 SDR 25.
9-26-2013	Transportation	Repeal Speed Limit rules in Bennett County on State Highway 73 beginning at its junction with U.S. Highway 18 north to the Bennett

	<p>County line and at the Jackson-Bennett County line north to 3.0 miles north of its junction with State Highway 44; and amend Informational, Directional Signs – On Right-of-Way rules to add definitions for "Amusement", "Attraction", "Cultural", "Historical", and "Leisure" in accordance with legislation authorizing attractions as a qualifying type of business service for motorists eligible for informational, directional signage; add "attractions" to provisions directing the location of sign panels; repeal rules that establish criteria for the location and spacing of panels at interchanges and intersections; repeal a rule establishing criteria for the location and spacing of supplemental panels; clarify the maximum number of allowable signs; establishing the location of supplemental panels is being amended to include panels for "attractions"; clarify that the business is allowed signage only at the closest intersection or interchange; amend the number of allowable panels to a maximum of 4 at an intersection or interchange approach, and add "attractions" as a business category; establish the order of priority if the number of services for motorist types exceed the number of panels and supplemental panels allowed; add "attractions" as a type of business category allowed on panels and supplemental panels; reference the established national standard for the sheeting requirements, and add a new subsection limiting the number of symbols and business names on a business sign; repeal the requirement for a public access telephone; require the business to be open for 4 consecutive months of the year instead of May 1 to September 30; repeal the requirement that businesses providing gasoline also offer tire repair, oil and potable water; reduce from 3 to 2 the number of daily meals that must be provided by businesses providing food services; and require attractions to have drinking water and modern sanitary facilities; add that there is no application fee for trailblazing signs, and repeal the priority given food service businesses that provide the most services; the annual rental fee for business</p>
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		signs is being amended to include trailblazing signs located on a state highway; clarify that the department will install and remove signs on interstate and state highways; clarify when a business sign owner must notify the department of the suspension of the business operation; establish criteria for the allowance and location of trailblazing signs on a state highway; establish the requirements for the furnishing, repairing, installation and removal of trailblazing signs; and amend Business Signs size specifications; 40 SDR 43.
9-27-2013	Environment and Natural Resources: Board of Water and Natural Resources	Amend a rule to make adjustments to the director areas of the South Central Water Development District; 40 SDR 35.
10-1-2013	Education: Board of Education	amend Extraordinary Costs rules to revise and clarify the application, approval, distribution, and expenditure process for requesting extraordinary cost funds and reduce the number of mandatory meetings of the Extraordinary Cost Oversight Board; amend the Professional Teachers and Professional Administrators rules to remove unused definitions, change the article titles, and move the teacher performance standards rule to another article; adopt Cooperation in Education rules to set deadlines, requirements, and criteria for approval of school district consortium agreements and whole grade sharing agreements; and amend Teacher Performance Standards and Evaluation rules to update references and allow a school district to use its own process for evaluating teachers as long as certain criteria is met; 40 SDR 47.
10-3-2013	Game, Fish and Parks	Amend a Mountain Lion Hunting Season rule to decrease the total mountain lion harvest limit from 100 to 75 lions and the female harvest limit from 70 to 50 lions within the Black Hills Fire Protection District; and in Custer State Park increase the number of hunting intervals when dog hunting is allowed from 3 to 4 and decrease the number of hunting intervals when no dog hunting is allowed from 5 to 4, resulting in 136 mountain lion licenses issued; 40 SDR 53.
10-9-2013	Agriculture	Adopt rules to require additional labeling to dairy producers selling bottled raw milk direct to the consumer and set basic sanitary

		standards for the product; 40 SDR 47.
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### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 17, 2013, 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; Rapid City – SD School of Mines & Technology, 501 E. St. Joseph St., Room BC 109; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; and Yankton – DOT, 1306 W. 31<sup>st</sup> St. The committee chair has set the following tentative meeting schedule for the 2013 interim: November 12, and December 17.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.