

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., September 19, 2011

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

Department of Agriculture: Division of Agricultural Services: (September 14, 2011) intends to amend a rule to adopt the current version of the American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia. The general authority for this rule, as cited by the department, is SDCL 38-19-36.

A public hearing will be held in the Department of Agriculture Conference Room, Foss Building, 523 East Capitol, Pierre, South Dakota, on October 6, 2011, at 10:00 a.m. CDT. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Department of Agriculture, Division of Agricultural Services, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by October 16, 2011, 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) 773-4432 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Steven T. Hiss, Ellsworth AFB, was appointed on September 8, 2011, to the **State Council for Educational Opportunity for Military Children**, effective September 6, 2011.

Audry J. Ricketts, Pierre, was appointed on September 8, 2011, to the **State Council for Educational Opportunity for Military Children**, effective September 7, 2011.

Loren D. Scheer, Box Elder, was appointed on September 8, 2011, to the **State Council for Educational Opportunity for Military Children**, effective September 7, 2011.

Melody J. Schopp, Meadow, was appointed on September 8, 2011, to the **State Council for Educational Opportunity for Military Children**, effective September 7, 2011.

Julie A. Mathiesen, Sturgis, was appointed on September 13, 2011, to the **South Dakota Board of Directors for Educational Telecommunications**, to replace Glenda Woodburn, effective September 9, 2011, and shall continue until June 30, 2012.

Gerry Schlenker, Canistota, was reappointed on September 13, 2011, to the **South Dakota Board of Directors for Educational Telecommunications**, effective immediately and shall continue until June 30, 2014.

David M. McGirr, Huron, was appointed on September 14, 2011, to the **Corrections Commission**, to replace Brad Drake, effective September 13, 2011.

Executive Order:

The Governor has signed **Executive Order 2011-17** dated September 13, 2011. The Governor has declared a state of emergency to exist in McPherson County due to heavy snow, ground saturation, and flooding from

March 2011 through July 2011 which has caused widespread damage to road infrastructure.

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

9-23-2011	Health: Board of Massage Therapy	Amend rules to identify the application fee, provide options for continuing education, correct an error, and require adherence to ethical standards; 38 SDR 33.
10-6-2011	Game, Fish and Parks	Amend Park Licenses rules to repeal rules that provide that the park season extends from January 1 to December 31, inclusive, of each year, and establish time limits for a temporary park entrance license; amend Use of Parks and Public Lands rules to amend the Oahe Downstream Lodge fees to allow non-profit groups and government agencies a reduced user rate during shoulder and winter seasons and establish a check out time for camping cabins and park lodges; amend License Forms and Fees rules to eliminate the Custer State Park "any mountain lion" hunting license and \$150 fee for the license; lower the fee for replacing lost or destroyed nonresident waterfowl licenses from \$15 to \$5; eliminate the rule provisions that authorize the issuance of a permit in lieu of a lost license; create a new resident senior combination license at a cost of \$34 (\$29 plus \$5 surcharge) for persons 65 years of age and older; and reduce the fee charged for nonresident youth small game licenses from \$25 to \$10; amend Custer State Park Restrictions rules to eliminate the eligibility requirement prohibiting a person who received a Custer State Park (CSP) "any mountain lion" license in any of the preceding nine years from applying for a license for the current mountain lion hunting season; and repeal the rule which prohibits a licensee hunting in the field during a CSP big game season from being accompanied by a guide; amend a Waterfowl Hunting Seasons rule to

		repeal the existing rule which requires use of nontoxic shot to take all species of waterfowl; amend a Sandhill Crane Hunting Season rule to repeal the existing rule which requires use of nontoxic shot to take sandhill crane; appeal a Depredation Permits rule to eliminate the rule which provides there is no application fee for a depredation permit; amend Mountain Lion Hunting Season rules to increase the total statewide mountain lion harvest limit from 50 to 60 mountain lions and increase the female harvest limit from 30 to 40 female mountain lions; repeal rules adopted in 2010 that provided for mountain lion hunting in CSP; and establish a random drawing process to allow a limited number of mountain lion hunters an opportunity to hunt in CSP; amend a Dog Training rule to repeal the section which requires an applicant for a professional dog training license to provide proof that the applicant has obtained written permission of all landowners on which the dog training will be held; amend a Nursing Home Group Fishing rule to repeal the section which provides that nursing home residents are subject to all other statutes and rules relating to fishing; and amend a Non-Game Bird Damage rule to repeal the chapter; 38 SDR 27.
10-6-2011	Agriculture: Division of Agricultural Services	Amend a rule to adopt the current version of the American National Standard Safety Requirements for the Storage and Handling of Anhydrous Ammonia; 38 SDR 49.
10-12-2011	Environment and Natural Resources	Repeal the department's photocopy fee rules; 38 SDR 39.
10-13-2011	Governor's Office of Economic Development	Adopt rules to establish requirements and standards for the certification of certain business and industrial sites as "certified ready;" 38 SDR 39.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 27, 2011, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB109; Sioux Falls – SFUC, 4801 N. Career Ave., Room FADM 257; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2011 interim: November 15, and December 12.

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>.

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