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South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., October 1, 2012

NOTICES 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 24, 2012) intends to adopt an EMERGENCY rule at its regular meeting on Thursday, October 4, 2012, to amend ARSD 41:06:01:11 to authorize the department secretary, following consultation with the chairman of the GFP Commission, to limit the sale of any big game hunting licenses remaining unsold in specific units following the first lottery drawing if the secretary determines there has been documented unforeseen deaths or illnesses of the big game animals within the respective hunting unit. The general authority for this rule, as cited by the department, is SDCL §§ 41-2-18 and 41-6-11.

Department of Transportation: (September 27, 2012) is proposing to amend Tourist-Oriented Directional Signing – on Right-of-Way rules to amend the definition of "tourist-oriented directional signing" to exclude specific reference to businesses selling seasonal agricultural products as a type of qualifying business for signage; clarify that a business must be both a tourist-oriented and a rural business, and must comply with all federal and state non-discrimination in public accommodations requirements; eliminate references to rural businesses as a separate category of qualifying businesses; clarify that a TOD sign is to be located at the intersection nearest the business; clarify the conditions under which an existing TOD sign must be removed; eliminate unnecessary verbiage; repeal the criteria for arrangement and size of signs; provide that the specifications for signing

design, style, lettering, arrangement, size, and location must conform to the Manual on Uniform Traffic Control Devices; provide for the allowance of generic symbols of the business activity on TOD signing, and establish the criteria for approval of specific symbols. The general authority for these rules, as cited by the department, is SDCL § 31-29 80.1

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on October 25, 2012, at 9:05 a.m. CST. Copies of the proposed rules 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 October 24, 2012, 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).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

SECRETARY OF STATE: BOARD OF ELECTIONS: 105:02:05:02.01.

History-Notice: 39 SDR 51, Sept. 17, 2012
Hearing: N/A
Filed: September 28, 2012
Effective: September 28, 2012

Executive Appointments:

Douglas K. Ode, Brandon, was appointed on September 26, 2012, to the **American Dairy Association of South Dakota**, to replace James Neugebauer, effective October 31, 2012, and shall continue until October 30, 2015.

Paul A. Reiter, Rapid City, was appointed on September 26, 2012, to the **South Dakota Public Safety Communications Council**, to replace Ken Wesche, effective immediately.

James W. Ross, Whitewood, was appointed on September 26, 2012, to the **Veterans Commission**, to replace William Locken, effective October 1, 2012, and shall continue until October 1, 2018.

Douglas J. Sharp, Watertown, was appointed on September 26, 2012, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2015.

Lesta V. Turchen, Hill City, was reappointed on September 26, 2012, to the **State Library Board**, effective immediately and shall continue until October 30, 2015.

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

<p>10-4-2012</p>	<p>Game, Fish and Parks</p>	<p>Amend Mountain Lion Hunting Season rules to increase the total mountain lion harvest limit from 70 to 100 mountain lions and increase the female harvest limit from 50 to 70 female mountain lions; change the season start date from January 1 to December 26; allow any properly licensed hunter (both landowners and non-landowners) to hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31; close Custer State Park to mountain lion hunting except during established hunting intervals for 162 hunters who possess a valid mountain lion hunting license and a temporary access permit issued free of cost and by random drawing, and structured to include five hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three intervals (7 days in length) with each having four access permits (dog hunting allowed); and allow for the use of dogs during specified intervals in Custer State Park; and amend Black Hills Bighorn Sheep Hunting Season rules to establish a process for designating and</p>
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		issuing one bighorn sheep hunting license for auction; 39 SDR 31.
10-4-2012	Game, Fish and Parks	Adopt an EMERGENCY rule to authorize the department secretary, following consultation with the chairman of the GFP Commission, to limit the sale of any big game hunting licenses remaining unsold in specific units following the first lottery drawing if the secretary determines there has been documented unforeseen deaths or illnesses of the big game animals within the respective hunting unit; 39 SDR 59.
10-16-2012	Social Services: Division of Economic Assistance	Amend rules to update payment standards regarding the Temporary Assistance for Needy Families program; 39 SDR 55.
10-18-2012	Labor and Regulation: Division of Labor and Management	Amend rules to revise the workers compensation fee schedule; 39 SDR 55.
10-25-2012	Transportation	Amend Tourist-Oriented Directional Signing – on Right-of-Way rules to amend the definition of "tourist-oriented directional signing" to exclude specific reference to businesses selling seasonal agricultural products as a type of qualifying business for signage; clarify that a business must be both a tourist-oriented and a rural business, and must comply with all federal and state non-discrimination in public accommodations requirements; eliminate references to rural businesses as a separate category of qualifying businesses; clarify that a TOD sign is to be located at the intersection nearest the business; clarify the conditions under which an existing TOD sign must be removed; eliminate unnecessary verbiage; repeal the criteria for arrangement and size of signs; provide that the specifications for signing design, style, lettering, arrangement, size, and location must conform to the Manual on Uniform Traffic Control Devices; provide for the allowance of generic symbols of the business activity on TOD signing, and establish the criteria for approval of specific symbols; 39 SDR 59.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, November 13, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: December 19.

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>.