

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., October 19, 2015

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

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Administrative Rules:

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 3, 2015) intends to amend a Park License and Trail Use Pass rule to increase the fee for a 7-day Custer State Park entrance license from \$15 to \$20, and increase the one-day fee for a motor vehicle in Custer State Park that does not have a park entrance license from \$15 to \$20; amend a Camping Permits and Rules rule to provide for an additional \$2 reservation fee for a reservation made through the telephone call center applicable to both South Dakota residents and non-residents; amend a George S. Mickelson Trail Use Service Fees rule to increase the daily trail user pass fee from \$3 to \$4; amend a Motorboats and Watercraft rule to increase the annual fees for licensing motorboats and watercraft as follows: non-motorized boats over 12 ft. and boats propelled solely by electric trolling motors from \$12.50 to \$15, motorboats under 19 ft. from \$20 to \$25, and motorboats 19 ft. and over from \$40 to \$45; amend a Spring Wild Turkey Hunting Season rule to amend the resident and nonresident "male turkey" license numbers for the Prairie Units, establish a new unit (Unit 16A) for Campbell and Walworth counties, and change the county designation of Unit PST-65A from Shannon County to Oglala Lakota County;

amend a Custer State Park Spring Wild Turkey Hunting Season rule to set the "male turkey" licenses numbers; and amend a Waterfowl Hunting Seasons (Spring Light Goose Conservation Order) rule to adjust the start date of the Conservation Order from opening statewide for 79 consecutive days beginning on the 106th day from the Saturday closest to November 1 to being open statewide for 79 consecutive days beginning the day following closure of Unit 2 of the goose hunting season. The general authority for these rules, as cited by the department, is SDCL §§ 32-3A-4, 32-3A-11, 41-2-18, 41-11-5, 41-17-1.1, and 41-17-13.

A public hearing will be held at the Ramada Inn, 1525 West Havens St., Mitchell, South Dakota, on November 5, 2015, at 2:00 p.m. (CST). Copies of the proposed rules may be obtained from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. 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. on the date of the hearing. Comments may also be sent by email to either wildinfo@state.sd.us or gfpadminrules@state.sd.us. All written and email comments must include the commenter's name, home town/city, and state. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the hearing.

Department of Education: Board of

Education: (October 15, 2015) intends to amend Certification rules to provide additional and consistent options for secondary career and technical education (CTE) teachers to become certified to teach CTE courses; amend Accreditation and School Improvement rules to clean up language and eliminate the requirement that a student taking a high school course from a qualified teacher before grade nine pass a state-approved assessment before credit can be awarded, which will allow a school district to determine if the student has met the same criteria required for credit to be awarded to high school students in the district and require the acceptance of credit for summer courses taken from an accredited school system documentation and notice of any decision that the credits do not meet graduation requirements; and amend Public School Accountability System rules to update certain components of the accountability system to provide a more in-depth measure of public school performance. The general authority for these rules, as cited by the board, is SDCL §§ 1-45-13, 13-1-12.1, 13-3-47, 13-3-69, 13-5-34, 13-26-2, and 13-42-3.

A public hearing will be held at Southeast Technical Institute, Mickelson Center Room 101, 2320 N. Career Ave., Sioux Falls, South Dakota, on November 16, 2015, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or at

<http://www.doe.sd.gov/board/index.aspx>.

Written comments may be sent to the board at the address above or at this website:

<https://rules.sd.gov/default.aspx> Material sent by mail must be received by November 13, 2015, 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) 773-5669 at least 48 hours before the hearing.

Department of Environment and Natural

Resources: (October 15, 2015) intends to amend Fluoridation of Water Supplies rules to reduce the required fluoride level and cleanup outdated language; and amend Bottled Water Quality rules to adopt pertinent US FDA rules for bottled water quality. The general authority for these rules, as cited by the department, is SDCL §§ 34-24A-2, 39-1-4, and 39-1-5.

A public hearing will be held in Room 130, 1st floor, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on November 20, 2015, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Environment and Natural Resources, Attn: Patty Krein, 523 E. Capitol, Joe Foss Building, Pierre, South Dakota 57501. Written comments must reach the department by November 30, 2015, 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) 773-3754 at least 48 hours before the public hearing.

Department of Labor and Regulation: Division

of Unemployment Insurance: (October 15, 2015) intends to amend rules to allow domestic employers the option of paying state unemployment contributions (UC) annually instead of paying quarterly. The general authority for these rules, as cited by the department, is SDCL §§ 61-3-2 and 61-5-35.

A public hearing will be held at the Aberdeen Administrative Office, 420 S. Roosevelt St., Aberdeen, South Dakota, on November 20, 2015, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Labor and Regulation, Attn: Pauline Heier, P.O. Box 4730, Aberdeen, South Dakota 57402-4730. Written comments must be received by the Department of Labor and Regulation by November 30, 2015, 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) 626-2310 at least 48 hours before the hearing.

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>11-5-2015</p>	<p>Department of Labor and Regulation: Appraiser Certification Program Amend rules to add requirement for email address, if available, to the application for supervisory appraisers; change "state of domicile" to "home state" ("or any other jurisdiction"), where applicable, on the applications for certified or licensed appraisers that move to the state and temporary practice; remove the term "summary or self-contained" from experience requirements for state-certified residential and state-certified general appraisers; add a required comma to educational requirements for state-licensed appraisers; adopt the 2016-2017 Edition of the Uniform Standards of Professional Appraisal Practice; require appraisers to retain "all" not just "any" written reports; and include grounds for disciplinary action against those not certified, licensed or registered who perform an appraisal review requiring the services of an accredited appraiser; 42 SDR 57, October 13, 2015.</p>
<p>11-5-2015</p>	<p>Department of Game, Fish, and Parks Amend a Park License and Trail Use Pass rule to increase the fee for a 7-day Custer State Park entrance license from \$15 to \$20, and increase the one-day fee for a motor vehicle in Custer State Park that does not have a park entrance license from \$15 to \$20; amend a Camping Permits and Rules rule to provide for an additional \$2 reservation fee for a reservation made through the telephone call center applicable to both South Dakota residents and non-residents; amend a George S. Mickelson Trail Use Service Fees rule to increase the daily trail user pass fee from \$3 to \$4; amend a Motorboats and Watercraft rule to increase the annual fees for licensing motorboats and watercraft as follows: non-motorized boats over 12 ft. and boats propelled solely by electric trolling motors from \$12.50 to \$15, motorboats under 19 ft. from \$20 to \$25, and motorboats 19 ft. and over from \$40 to \$45; amend a Spring Wild Turkey Hunting Season rule to amend the resident and nonresident "male turkey" license numbers for the Prairie Units, establish a new unit (Unit 16A) for Campbell and Walworth counties, and change the county designation of Unit PST-65A from Shannon County to Oglala Lakota County; amend a Custer State Park Spring Wild Turkey Hunting Season rule to set the "male turkey" licenses numbers; and amend a Waterfowl Hunting Seasons (Spring Light Goose Conservation Order) rule to adjust the start date of the Conservation Order from opening statewide for 79 consecutive days beginning on the 106th day from the Saturday closest to November 1 to being open statewide for 79 consecutive days beginning the day following closure of Unit 2 of the goose hunting season; 42 SDR 61, October 19, 2015.</p>
<p>11-16-2015</p>	<p>Department of Education: Board of Education Amend Certification rules to provide additional and consistent options for secondary career and technical education (CTE) teachers to become certified to teach CTE courses;</p>

	amend Accreditation and School Improvement rules to clean up language and eliminate the requirement that a student taking a high school course from a qualified teacher before grade nine pass a state-approved assessment before credit can be awarded, which will allow a school district to determine if the student has met the same criteria required for credit to be awarded to high school students in the district and require the acceptance of credit for summer courses taken from an accredited school system documentation and notice of any decision that the credits do not meet graduation requirements; and amend Public School Accountability System rules to update certain components of the accountability system to provide a more in-depth measure of public school performance; 42 SDR 62, October 19, 2015.
11-20-2015	Department of Environment and Natural Resources Amend Fluoridation of Water Supplies rules to reduce the required fluoride level and cleanup outdated language; and amend Bottled Water Quality rules to adopt pertinent US FDA rules for bottled water quality; 42 SDR 62, October 19, 2015.
11-20-2015	Department of Labor and Regulation: Division of Unemployment Insurance Amend rules to allow domestic employers the option of paying state unemployment contributions (UC) annually instead of paying quarterly; 42 SDR 62, October 19, 2015.
11-23-2015	Department of Labor and Regulation: South Dakota Athletic Commission Amend rules to increase the number of days required between approval of an event and the date of the event, clarify existing rules regarding the requirements of promoters to provide certain equipment at an event, increase the minimum fee for an approved event, clarify existing rules regarding accepted medical documentation for contestants, clarify the requirements for meeting certain promoter requirements in advance of an event, increase the number of days allowed for final reports and fees to be submitted by the promoter, require a security plan to be provided by a promoter prior to an event, increase the number of rounds a referee may officiate in one contest, increase the time period allowed for weigh-ins prior to an event, and clarify responsibilities of the Commission's designee; 42 SDR 57, October 13, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, November 9, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: December 14.

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>.