

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., October 22, 2012

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

South Dakota Board of Regents: (October 16, 2012) is proposing to amend rules to allow students an opportunity to complete coursework in Career and Technical education, allow for students pursuing alternative forms of instruction to establish initial eligibility in the program, and provide eighth semester funding to students who graduate a semester early. The general authority for these rules, as cited by the board, is SDCL § 13-55-36.

A public hearing will be held in the Club Buzz Room, Student Union, Black Hills State University, Spearfish, South Dakota, on December 12, 2012, at 1:30 p.m. (MT). Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the South Dakota Board of Regents, 306 East Capital Avenue, Suite 200, Pierre, South Dakota 57501. Material sent by mail must reach the Board of Regents by December 9, 2012, to be considered. Copies of the proposed rules may be obtained without charge from the South Dakota Board of Regents at the above address. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3455 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Eric J. Odenbach, Eureka, was reappointed on October 16, 2012, to the **South Dakota Aeronautics Commission**, effective immediately and shall continue until October 30, 2015.

Todd R. Chambers, Watertown, was reappointed on October 17, 2012, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2015.

Chad D. Hatch, Sioux Falls, was appointed on October 17, 2012, to the **South Dakota Aeronautics Commission**, to replace Larry Vetterman, effective October 31, 2012, and shall continue until October 30, 2015.

Daniel S. Kaiser, Sioux Falls, was reappointed on October 17, 2012, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2015.

Kevin D. Kouba, Milbank, was reappointed on October 17, 2012, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2015.

Kurt Pfeifle, Miller, was reappointed on October 17, 2012, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2015.

Executive Order:

The Governor has signed **Executive Order 2012-13** dated October 18, 2012. The order permits the movement of baled livestock feed over the state's highways two hours after sunset and two hours before sunrise as long as certain safety issues are met and the destination point is within South Dakota. The order will assist the livestock industry in meeting the problems associated with the drought. The order is effective on October 21, 2012, and expires on December 21, 2012. A copy of the order is available on the Secretary of State's website.

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

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.
10-25-2012	Bureau of Human Resources: Civil Service Commission	Amend rules to bring the state's civil service system and the law enforcement civil service system into conformity with the legislature's adoption of House Bill 1028, SDCL §§ 3-6C, 3-6D, and 3-6F, and to allow the longevity payment to be paid within the pay period of

		which the employee's annual year of service date occurs; 39 SDR 63.
10-30-2012	Public Safety: 911 Coordination Board	Amend rules to repeal surcharges procedures which are outdated under current law; make the State 911 Board the authority on accepting emergency medical dispatch programs rather than Law Enforcement Training; specify that all annual fiscal reports must be submitted to the State 911 Board by March 31 st of each calendar year; address when 911 surcharge funds may or may not be used for communication equipment and physical addressing costs; and set forth the procedure for determining public answering points' compliance with rules to receive 911 funds as set forth in SDCL § 34-45-8.5; 39 SDR 63.
11-1-2012	Game, Fish and Parks	Amend Park Licenses rules to increase the annual park entrance license fees; amend Camping Permits and Rules to add South Scalp Creek, White Swan and Walth Bay lakeside use areas to the list of areas that require a basic campground fee, increase the daily group lodge fee at Mina State Recreation Area and at Shadehill State Recreation Area and increase the daily group lodge fee at Lake Thompson State Recreation Area, Palisades State Park and Newton Hills State Park, and repeal ARSD §§ 41:03:04:09 and 41:03:04:10.01 and modify ARSD § 41:03:04:10 to establish one rule pertaining to campsite occupancy; amend License Forms and Fees rules that would increase the following nonresident license fees: Small Game, Shooting Preserve (annual), Shooting Preserve (1 day), Shooting Preserve (5 day), Waterfowl (10 day /annual), and Waterfowl (3 day); amend General Provisions rules that would repeal authorizing use of artificial lights while fishing with legal methods; amend Fishing Season rules that would amend the section pertaining to special management waters; amend Fish Limits rules that would repeal the rule which provides that a one-day fishing licensee can possess no more than one day's limit of fish; modify ARSD § 41:07:03:03 (daily, possession, and length limit restrictions on special management waters) and in Lake Oahe, the daily limit for walleye, sauger, walleye-sauger hybrids. or

	<p>combinations thereof is 8 and of the walleye taken daily no more than four may be 15 inches or greater in length, with a possession limit of 24; amend Snagging of Paddlefish rules that would remove transportation restrictions on paddlefish harvested during the May season on Lake Francis Case; amend Spearing rules that would repeal the rule section pertaining to the season and areas open to taking of catfish without limit, modify the rule section pertaining to areas open to spearing of game fish, and add language allowing a year-round season for take of catfish on the Missouri river system; amend Hoop Nets and Setlines rules to repeal the rule establishing the minimum length of catfish which may be taken by hoop net, trap, or setline, repeal the rule which prohibits use of baitfish and establishes specific types of bait which may be used on setlines, lengthen the season from May 1 through October 31 to year-round for all South Dakota inland waters open to hoop net or setline use, and expand areas on the mainstream Missouri River system open to use of hoop nets and setlines; amend Turtles rules to clarify that legal methods of taking turtles include "legal spears" and turtle traps; amend Bait (waters open to taking of bait) rules to change the heading of the rule section to "Waters <u>closed</u> to the taking of bait" and close certain waters to the commercial and noncommercial taking of bait by those methods listed in ARSD § 41:09:04:04; amend a Bait (seines, nets and traps limited) rule that would clarify that the department may issue permission to use seines, nets and traps larger than those specified in the current rule in association with the department's approval to stock public waters with white suckers for rearing and harvest; amend a Bait (transportation by dealers – inspection) rule that would repeal ARSD § 41:09:04:11; amend Bait (transportation of other fish by bait dealer) rules that would change the heading of the rule section (ARSD § 41:09:04:12) to "Transportation of <u>bait and</u> other fish by bait dealer" and add a provision which requires</p>
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		transportation equipment to allow for inspection of bait and other fish at all times; amend a Bait (records required) rule to provide bait dealers the option to prepare and maintain required records in an electronic format; amend Aquatic Nuisance Species rules to add certain species to the list of aquatic nuisance species and modify the current rules pertaining to watercraft restrictions and aquatic nuisance species inspections (ARSD § 41:10:04:03) by separating it into two rules; 39 SDR 67.
11-7-2012	Health: Health and Medical Services	Update rules to be reflective of industry standards; 39 SDR 67.
11-14-2012	Labor and Regulation: Unemployment Insurance	Amend rules to change the name from Department of Labor to the Department of Labor and Regulation and to change the General Authority and Law Implemented citations so they correctly refer to re-numbered statutes. Two changes of substance increase the amount of unpaid employer contributions due before the Department begins collection action from \$5 to \$25 and consider participation by an unemployment benefit applicant in a Department approved reemployment services program to be "actively seeking work"; 39 SDR 67.
12-12-2012	Board of Regents	Amend rules to allow students an opportunity to complete coursework in Career and Technical education, allow for students pursuing alternative forms of instruction to establish initial eligibility in the program, and provide eighth semester funding to students who graduate a semester early; 39 SDR 75.

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>.

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