

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., October 23, 2017

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

(None)

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: SOUTH DAKOTA BOARD OF NURSING:

20:48:01:01; 20:48:08:08, 20:48:08:09, 20:48:08:10, 20:48:08:11, 20:48:08:12, 20:48:08:14; 20:48:16:01, 20:48:16:02, 20:48:16:03, and 20:48:16:04.

History-Notice: 44 SDR 35, August 21, 2017

Hearing: September 6, 2017

Filed: October 16, 2017

Effective: November 6, 2017

Executive Appointments:

Correction Filed:

Carol Twedt, Sioux Falls, was appointed/reappointed on October 5, 2017, to the **State Library Board**, to replace ~~Steven Willard~~, effective immediately and shall continue until October 30, 2020.

Executive Order:

The Governor has signed **Executive Order 2017-08**, dated October 20, 2017. The Governor has authorized the Governor's Task Force on Trust Administration Review and Reform to review and make recommendations for changing the state's trust administration statutes to provide for efficient and effective administration of trusts. This order supersedes and replaces Executive Orders 97-10, 97-12, 97-17, 2011-14, and 2014-14. The task force will report their recommendations annually to the Governor. The term of current members appointed by the Governor will be continued uninterrupted.

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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

10-24-2017	Department of Agriculture: Division of Agriculture Services Amend rules regarding shell eggs to be in alignment with USDA guidelines; 44 SDR 63, October 2, 2017.
10-24-2017	Department of Labor and Regulation: Division of Insurance Amend rules to fix outdated references to the Division of Securities and the Department of Revenue and Regulation; and establish a notice filing requirement for Regulation A – Tier 2 offerings and crowdfunding offerings; 44 SDR 69, October 10, 2017.

10-25-2017	Department of Health: Division of Health Systems Development and Regulation Amend rules to revise ambulance equipment standards and air ambulance operations, and for the purposes of general cleanup; 44 SDR 59, September 25, 2017.
10-25-2017	Department of Labor and Regulation: Appraiser Certification Program Amend a rule to adopt the 2018-2019 Edition of the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Foundation's Appraisal Standards Board effective January 1, 2018; 44 SDR 59, September 25, 2017.
10-26-2017	Department of Revenue: South Dakota Lottery Commission Amend a rule to allow the Winner Take All Promotion for the Powerball lotto game; 44 SDR 64, October 2, 2017.
10-26-2017	Department of Transportation Amend rules to add a 45 mile per hour speed zone to State Trunk Highway 73 immediately south of the 35 mile per hour speed zone in Martin extending for 0.45 miles; extend a 25 mile per hour speed zone on U.S. Highway 85 to include the stretch of highway between Indian Street and Lawrence Street in Belle Fourche; change the speed limit to 35 miles per hour on U.S. Highway 85 between Lawrence Street and State Trunk Highway 34 in Belle Fourche; reduce the speed limit on State Trunk Highway 50 through Vermillion from 55 miles per hour to 50 miles per hour; and set bidding capacity ratings on a per-contract basis rather than establishing an overall maximum rating; 44 SDR 64, October 2, 2017.
10-27-2017	Department of Human Services: Division of Developmental Disabilities Amend rules to define and to create standards for a shared living home service; and allow the delivery of statewide family support services to adults who meet certain criteria; 44 SDR 69, October 10, 2017.
10-27-2017	Department of Revenue: Divisions of Business Tax and Property and Special Taxes Amend rules to update manuals and price of manuals to current version and ensure that the language of the rules is consistent; and repeal a rule regarding how use tax applies to the storage of tangible personal property; 44 SDR 69, October 10, 2017.
10-30-2017	Office of the Secretary of State: Board of Elections Amend rules to specify a 30 day deadline date for a voter to return the invalid/incomplete voter registration acknowledgment notice; add another voter designation for the federally required Election Assistance Commission Election Day Survey; create two voter registration list maintenance forms; change the name of a Secondary Election to Runoff Election; add judicial office to the races to be listed in the notice of deadline for filing nominating petitions for the primary election; add to the general election ballot the language "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note"; update the primary and general election ballot formats to include notations for front and reverse sides, clarify ballot printing notes, add an option for county finance officer, and provide the format for State Representative Districts 26 and 28 A and B; clarify the tax levy opt-out ballot format to be used by counties, municipalities or schools; create a new ballot format for capital outlay elections for school districts; create a new ballot format for school sentinel program elections; create a new ballot format to assist county auditors with tax levy ballots for maintaining, repairing, constructing or reconstructing roads and bridges; clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side; add the Attorney General's Title of a statewide ballot question to information required from the sponsor(s) on the two affidavits for statewide ballot questions; repeal two petitions for conservation district candidates and amend the third petition to show that candidates for district supervisors

	<p>must run at large instead of by areas; clarify what type of ballot a resolution board will use to duplicate a ballot that is rejected from the automatic tabulating machine; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under and simplify the application instructions; remove language requiring a stateside Uniformed Overseas Citizens Absentee Voter to provide a photocopy of their identification or have their signature notarized on the absentee ballot application; remove language requiring a Uniformed Overseas Citizens Absentee Voter to provide their voting residence on the ballot return envelope and amend the maximum size of the envelope; and add legislative candidates as those who do not use this petition for recount; 44 SDR 70, October 10, 2017.</p>
<p>10-31-2017</p>	<p>Department of Agriculture: South Dakota State Fair Amend rules to repeal duplicative, outdated and unnecessary rules applying to the State Fair Park; and raise camping and parking fees during the annual State Fair; 44 SDR 71, October 10, 2017.</p>
<p>11-2-2017</p>	<p>Department of Game, Fish and Parks Amend rules to eliminate the ability to pay for individual park entrances and instead charge by vehicle only; alter the definitions of "preferred" and "prime" campgrounds and eliminate "primitive" campgrounds from the definitions; remove Fort Sisseton, Union Grove, Pease Creek and Buryanek campsites from the "modern campground" category; increase camping cabin fees for all State Parks from \$40 to \$45 except at Custer State Park where the cabin fee would remain \$50; add Fisher Grove and Buryanek campsites to the "preferred campground" category; remove from the "preferred campground" category Oakwood Lakes, Angostura including Sheps Canyon, Lake Vermillion, Lewis and Clark, Newton Hills, Snake Creek, Palisades, Roy Lake, Lake Herman, Lake Poinsett, Walker's Point, Pickerel, Shadehill Ketterlings Point, Sandy Shore, Lake Cochrane, Farm Island, Lake Louise, Lake Thompson, Mina Lake, Chief White Crane, Pierson Ranch, North Point, Big Sioux, Hartford Beach, Richmond, Rocky Point, and South Pelican campsites and add them to the "prime campground" category; add to the "prime campground" category Union Grove and Pease Creek; remove Fort Sisseton from the "primitive lodging campsite" category and add it to the "prime campsite" category except for during the Fort Sisseton Festival; increase the group lodging fee at Mina Lake and Shadehill from \$185 to \$205 per night; increase the group lodging fee at Lake Thompson, Palisades, Sheps Canyon, and Newton Hills from \$240 to \$280 per night; increase the fee at French Creek Horse Camp from \$26 to \$31 per night; increase the use of Fort Sisseton's south barracks from \$300 to \$500 for a weekend; increase the catamaran dry slip storage at Lewis and Clark from \$300 to \$325 per seasonal occupancy period; increase the catamaran dry slip storage at Angostura from \$150 to \$175 per seasonal occupancy period; establish standards for marking closed areas of nonmeandered waters by landowners; require mandatory submission of elk harvested in Custer State Park to be tested for chronic waste disease; increase the number of antlerless elk licenses from no more than 20 to no more than 60 and establish four separate hunting seasons in four separate hunting units; allow for no more than five bighorn sheep licenses to be issued for the Black Hills bighorn sheep hunting season; allow one bighorn sheep license to be issued for sale by auction; eliminate the identification of the license type and number of license from each of the bighorn sheep hunting units; allow for the continued pursuit of a mountain lion that originated on private land onto public land; remove the 15 inch minimum restriction for walleye on Lake Poinsett; allow nonresidents to obtain an aerial hunting permit; require all</p>

bait dealers to list employees/agents on their application that will engage in trapping, transporting, delivering, raising, or seining bait and allow the Department to refuse the issuance of a license to a bait dealer with an employee/agent who has received a suspension or revocation of their bait dealer license; update the scientific name of the Interior Least Tern (<i>Sterna antillarum athalassos</i>) to Least Tern (<i>Sternula antillarum</i>); update the scientific name of the Finescale dace (<i>Phoxinus neogaeus</i>) to Finscale dace (<i>Chrosomus neogaeus</i>); update the scientific name of Northern redbelly dace (<i>Phoxinus eos</i>) to Northern redbelly dace (<i>Chrosomus eos</i>); and update the scientific name of Pearl dace (<i>Margariscus margarita</i>) to Northern pearl dace (<i>Margariscus nachtriebi</i>); 44 SDR 75, October 16, 2017.

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2017 interim will be November 14.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.