

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., October 27, 2014

**NOTICE OF PROPOSED RULES:** (None)

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

#### Executive Appointments:

**David Chicoine**, Brookings, was appointed on September 12, 2014, to the **Council on Higher Education Policy Goals**, to replace Jim Abbott, effective immediately and shall continue until June 30, 2015.

**Douglas C. Morrison**, Sioux Falls, was reappointed on September 12, 2014, to the **Council on Higher Education Policy Goals**, effective immediately and shall continue until June 30, 2015.

**Greg Von Wald**, Mitchell, was appointed on September 12, 2014, to the **Council on Higher Education Policy Goals**, to replace Deb Shephard, effective immediately and shall continue until June 30, 2015.

**Phyllis M. Arends**, Sioux Falls, was reappointed on October 3, 2014, to the **Behavioral Health Advisory Council**, effective October 31, 2014, and shall continue until October 30, 2017.

**Susan N. Kornder**, Aberdeen, was reappointed on October 3, 2014, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2017.

**Lyndon T. Overweg**, Mitchell, was reappointed on October 9, 2014, to the **Council for the Interstate Commission for Juveniles**, effective December 1, 2014, and shall continue until November 30, 2017.

**Rebekah Craddock**, Sioux Falls, was appointed on October 20, 2014, to the **South Dakota Risk Pool Governing Board**, to replace Dave Hewitt, effective immediately.

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

11-6-2014	Game, Fish and Parks	Amend rules that would modify the "diver-down flag requirements" by changing flag size requirements and restricting diver-down flags from being placed in areas that would restrict watercraft navigation; adjust the nonrefundable application fee for elk, mountain goat, and bighorn sheep from \$5 to \$10; prohibit baiting
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		<p>from March 15 through May 31, inclusive, and create an exception for research activities conducted by the Department; offer residents 85 less one-tag "male turkey" licenses and 340 less two-tag "male turkey" licenses for the Prairie Units; offer nonresidents 10 more one-tag "male turkey" licenses and 28 less two-tag "male turkey" licenses for the Prairie Units; correct unit boundary descriptions for BST-BH1 (Black Hills) and PST-53A (Perkins County); remove the archery restriction west of Interstate 29 in Brookings County; remove the split seasons in Clay and Union counties; add Lincoln County to the restricted area where a person may use only a shotgun using shot shells, muzzleloading shotgun, or bow and arrow; reduce the number of archery turkey access permits valid for Good Earth State Park from 10 to 5, and repeal Unit PST-ZZ1; modify the definition of "Inland waters"; add a definition for "snag hook" and modify the definition of "snagging" accordingly; allow the use of artificial lights for fishing, and allow for the liberalized take of silver carp and bighead carp that jump into a boat or that can be netted using a dip net; change the channel catfish daily and possession limits on Nebraska border waters; correct the county references for Hanson Lake and Curlew Lake; clarify the manner in which paddlefish taken below Gavin's Point Dam are to be measured for purposes of the established length restriction; modify the rules pertaining to areas open to the spearing of game fish; prohibit the harvest of mussels for noncommercial purposes; require listing all wild animal (including amphibians, reptiles, and invertebrates, and parts thereof) specimen collection requests on applications for scientific collector's permits; add all wild animals (including amphibians, reptiles, and invertebrates, and parts thereof) to the list of specimens for which limits on the number of specimens and special conditions and provisions can be established; 41 SDR 67, October 14, 2014.</p>
<p>11-17-2014</p>	<p>Education: Board of Education</p>	<p>Amend rules to create consistent language between teacher and principal evaluation rules in regard to the summative effectiveness</p>

		rating; and establish a process by which principals must be evaluated by the 2016-2017 school year; 41 SDR 63, October 6, 2014.
11-17-2014	Health: Division of Health and Medical Services	Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel and ensure NBS specimens will not be used for any purpose other than for newborn screening for which that they were collected and remove language conflicting with current protocols and stand operating procedures for the services of a centralized designated contract laboratory for newborn screening; 41 SDR 73, October 20, 2014.
12-3-2014	Environment and Natural Resources: Water Management Board	Amend Surface Water Quality rules to update legal and technical references; add, modify, and delete definitions; set site-specific total suspended solids criteria for the Cheyenne River and water temperature criteria for streams in the Black Hills Trout Management Area; and update toxic pollutant criteria to be consistent with U.S. Environmental Protection Agency criteria to include establishing a standard for methylmercury at 0.3 mg/kg in fish flesh; reformat a chapter to a single table to reduce the number of pages and words; add Lake Alexander in Pennington County, an unnamed lake west of Bristol in Day County, and Antelope and Indian Springs Lakes in Clark County; correct typographical errors; assign immersion recreation use to the North Fork Grand River and a segment of the South Fork Grand River; update the segment breaks to reflect current highway designations for American Crow Creek in Lyman County, Hidewood and North Deer Creeks in Deuel County, and Bear Butte Creek in Meade County; remove the seasonal coldwater marginal fish life propagation use from Fall River in Fall River County and extend the warmwater permanent fish life propagation use for Fall River from the Cheyenne River to its confluence with Cold and Hot Brook Creeks; change the coldwater marginal fish life propagation use to warmwater permanent fish life propagation for both Cold and Hot Brook Creeks in Fall River County; remove the immersion recreation use from a segment of

		Spring Creek in Pennington County; and add the immersion recreation use to sections of the North Fork and South Fork Grand River in Perkins and Harding Counties; 41 SDR 73, October 20, 2014.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Wednesday, November 12, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: December 16.

**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>.