

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., November 24, 2014

**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:***

(November 19, 2014) intends to amend a rule to authorize statewide spearing of game fish, open boundary waters to seasons that match adjoining states spearing laws, make the season the same as hook and line, open January 1 and end the last day of December, and allow the taking of all species of fish except those that are protected. The general authority for this rule, as cited by the department, is SDCL § 41-2-18.

A public hearing will be held at the Holiday Inn Express, 110 East Stanley Road, Ft. Pierre, South Dakota, on December 11, 2014, at 2:00 p.m. (CST). Copies of the proposed rule may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rule are also available at: <http://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. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to [gfpadminrules@state.sd.us](mailto: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.

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

**DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:** 24:10:45:01, 24:10:45:02; 24:10:47:01 to 24:10:47:09, inclusive; and 24:10:48:01.

History-Notice: 41 SDR 33, August 18, 2014  
Hearing: September 15, 2014  
Filed: November 18, 2014  
Effective: December 8, 2014

**Executive Order:**

The Governor has signed **Executive Order 2014-13** dated November 13, 2014. This order determines that a state of emergency exists due to extremely low inventories and outages of propane, diesel, and gasoline. Due to the emergency, the transportation and delivery of propane and fuel into and within South Dakota are exempt from 49 CFR Parts 390 through 399, otherwise known as the federal hours of service regulations. The order will expire upon conclusion of the emergency, but no later than midnight, December 13, 2014.

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**

12-1-2014	Revenue: Division of Property and Special Taxes	Amend rules to clarify the requirements for the renewal of certified appraiser assessor certificates, revise the requirements for maintaining the professional designation of a "Certified Appraiser Assessor," update the requirements for testing and retesting courses at annual assessor schools, and update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property; 41 SDR 89, November 10, 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.
12-6-2014	Health: Board of Chiropractic Examiners	Amend rules to update requirements for individuals not immediately seeking licensure after graduation; modify requirements for activating an inactive or lapsed chiropractic license; establish a rule for activating a lapsed chiropractic radiographic and chiropractic assistant certificate; modify continuing education requirements for chiropractic radiographic and chiropractic assistant certifications; and update reference material for peer review process; 41 SDR 83, November 3, 2014.
12-8-2014	Agriculture: Division of Agricultural Sciences	Amend rules to maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references; 41 SDR 89, November 10, 2014.
12-11-2014	Game, Fish and Parks	Amend a rule to authorize statewide spearing of game fish, open boundary waters to seasons that match adjoining states spearing laws, make the season the same as hook and line, open January 1 and end the last day of December, and allow the taking of all species of fish except those that are protected; 41 SDR 97, November 24, 2014.

### RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held on Tuesday, December 16, 2014, in Room 414, Fourth Floor, of the State Capitol.

**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>.

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