



SouthDakota

Legislative Research Council

Rules Review Committee Agenda

Revised 7/30/2014

Representative Timothy Johns, Chair
Senator Mike Vehle, Vice Chair

Three hundred forty-third meeting
Tuesday
August 12, 2014

Room 414
State Capitol
Pierre, South Dakota

Other DDN Site Locations:

Department of Human Services
2361 Dakota Ave. S.
Huron, South Dakota

University Center
4801 N. Career Ave., Room FADM 145
Sioux Falls, South Dakota

Department of Transportation
1306 W. 31st St.
Yankton, South Dakota

*Agencies are asked to have a representative present at the meeting
to give background information on their rules.*

9:00 a.m. Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Senator Hunhoff

Department of Education: Board of Education – Amend rules to update terminology, criteria, and other requirements regarding the definition and evaluation of autism spectrum disorder, reference the current edition of the Diagnostic and Statistical Manual of Mental Disorders, repeal sections already covered by other comprehensive evaluation rules, and make the definition of "students with disabilities" in the accountability rules consistent with the definition in the special education rules.

Department of Labor and Regulation: Plumbing Commission – Amend rules to increase license and examination fees, residential inspection fees, establish a license fee for apprentice plumbers, and adopt licensing criteria for apprentice plumbers.

Department of Agriculture: Animal Industry Board – Amend a rule to relax quarantine requirements for baby calves moving into South Dakota.

Department of Game, Fish and Parks – Amend a Licensing Agents rule to clarify that the department may appoint licensing agents to sell park entrance licenses; amend Uses of Parks and Public Lands rules to add a general prohibition on use of crossbows (along with

firearms and bows) in state parks, state recreation areas, state nature areas, and state lakeside use areas, and also specify exceptions to the restrictions on use of crossbows in these areas, and allow use of crossbows on lands owned by the Otter Tail Company and leased by the department as a game production area in Grant County and the Lake Andes Unit's game production areas in Charles Mix County; amend a License Forms and Fees rule to revise the current rule pertaining to replacement of a lost or destroyed license, permit or tag to authorize the department to replace a license, permit or tag in situations where through a licensee's oversight the license, permit or tag is not in the licensee's possession, or a licensee is requesting a replacement for a license, permit or tag that has been issued but not received (e.g., in the mail), require a licensee to return the original license, permit or tag issued to the licensee to the department within ten days, establish the fee for replacing all license types at \$20, and require the department to charge the license agent's fee established in SDCL 41-6-66.1; adopt a Possession, Processing and Transportation of Game rule to establish a process pursuant to which a wildlife processing facility may deem game (other than waterfowl) left at the facility as "abandoned" and allow the wildlife processing facility to turn possession of the abandoned game to a non-profit or charitable organization that distributes food or other services to the needy; amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit; amend an Antelope Hunting Season rule to adjust the number of licenses/tags available and close Unit 60A to both firearms and archery; and amend a Waterfowl Hunting Seasons rule by modifying the boundaries of Units 1 and 2 established in ARSD 41:06:16:07 by adding all of Custer, Fall River and Pennington counties into Unit 2, and adding that portion of Perkins County west of SD Highway 75 and south of SD Highway 20 into Unit 1 (area open to Early Fall Canada Goose Hunting Season).

Department of Game, Fish and Parks – Amend a Waterfowl Hunting Seasons (Duck Hunting Season) rule to decrease the daily bag limit for canvasback from 2 to 1 and allow 2 bonus blue-winged teal for the first 16 days of the duck season; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the daily bag limit for light geese from 20 to 50 and change Unit 2 so the season is open for 105 days preceding (and including) the Sunday closest to February 15; and amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 –

January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit, and reduce the total number of fall wild turkey licenses a person may obtain from 5 licenses to 2 licenses.

Department of Transportation – Adopt a Speed Zone rule on State Trunk Highway 42 in Minnehaha County beginning 0.90 mile west of the intersection with Minnehaha County Road 139 then east for 0.80 mile, 55 miles per hour; then east for an additional 0.10 mile to the intersection with Minnehaha County Road 139, 45 miles per hour.

Senator Bradford

Department of Labor and Regulation: Division of Insurance – Amend rules to update sources referenced; update an appendix; and clarify the definition of an eligible association.

Representative Hajek

Secretary of State: Board of Finance – Amend a rule to increase the allowable in-state lodging reimbursement amount for State employees traveling on official in-state travel effective January 1, 2015.

1:00 p.m. Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission. Copies may also be available at <https://rules.sd.gov/default.aspx>.

Members: Representative Timothy Johns (Chair); Senator Mike Vehle (Vice Chair); Senators Jim Bradford and Jean Hunhoff; and Representatives Peggy Gibson and Anne Hajek.

This meeting is being held in a physically accessible location. Any individual needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) in advance of the meeting to make further arrangements.

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