

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., April 16, 2018

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

Department of Education: South Dakota Board of Education Standards:

(April 11, 2018) intends to amend rules to authorize the Department to equalize the distribution of accreditation reviews across a five-year time frame; and align language related to the state accountability system, performance goals, school classifications, and school support process with the State's approved plan pursuant to the Every Student Succeeds Act of 2015 and state law. The general authority for these rules, as cited by the agency, is SDCL §§ 13-1-12.1, 13-3-1.4, 13-3-47, 13-3-51, 13-3-55, 13-3-69, and 13-13-18.

A public hearing will be held at the University of South Dakota, Old Main Building, Farber Hall, 414 East Clark Street, Vermillion, South Dakota, on May 8, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501 or electronically to ferne.haddock@state.sd.us. Persons may also submit the information at <https://rules.sd.gov/default.aspx>. Materials sent by mail or email must reach the Department by May 4, 2018, to be considered. 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) 773-3553

at least 48 hours before the public hearing.

Department of Game, Fish and Parks:

(April 12, 2018) intends to amend rules to eliminate the term "youth" and replace it with "apprentice hunter" in designating areas where free antlerless deer licenses can be used by farmers and ranchers; require any resident and nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in the Black Hills as defined in ARSD 41:06:19:02; replace the term "youth" with "apprentice hunter" regarding access permits required for specific deer hunting units and public lands; eliminate the term "youth deer" and replace it with "apprentice hunter deer", and add the word "youth" to the term "antelope" for hunting license fees; reinstate the antlerless-only hunting dates to nine consecutive days following the conclusion of the West River deer season; reduce East River deer hunting resident license numbers from 21,085 one-tag to 20,900 one-tag and modify the antlerless-only deer hunting season dates to nine consecutive days beginning the Saturday following the 16th day of the East River deer season; create a new Limited Access Unit (Unit 59L) in Hughes and Sully counties limited to all Game Production Areas, Corps of Engineer, and Park Recreation Area Lands north of Oahe Dam in Hughes County and west of U.S. Hwy 1804 to Bush's Landing boat ramp in Sully County at 182nd Street, excluding the Spring Creek Recreation area; eliminate Unit 59B; modify Unit 59A to include all of Sully County except that portion within Unit 59L; modify Unit 36A to include all of Hughes County, excluding that portion within Unit 59L, Farm Island Recreation Area, LaFramboise Island, and the land from the entrance to Farm Island Recreation Area west

through the city of Pierre; modify the archery deer hunting season end date from January 15th to January 1st and make invalid antlerless whitetail deer licenses after January 1st; modify unit ARD-LM1 to close unit ERD-59L; change the archery season end date for Sand Lake National Wildlife Refuge, Lacreek National Wildlife Refuge, Waubay National Wildlife Refuge, and Waubay State Game Refuge from December 31 to January 1, except during the firearm deer seasons established for such refuges; extend the trophy bull bison harvest in Custer State Park from 47 days to 61 days and move the start from the last Monday to the third Monday in November; rename appropriate rules from the “Youth Deer Hunting Season” to “Apprentice Hunter Deer Season”; amend language regarding closed areas to expand eligibility to deer hunt; allow an apprentice hunter to qualify for a deer license under the provisions of ARSD 41:06:44; change the availability of both any deer and antlerless whitetail deer licenses as valid only from December 1st to January 1st for the General muzzleloading deer hunting season; modify unit MZD-LM1 to close unit ERD-59L; change the time period in which depredation hunts (excluding elk) may occur, from December 1st to March 31st to August 15th to March 31st; expand the time period for pool hunters for depredation purposes from April 15th to December 31st; eliminate the \$20 fee for an elk depredation permit; and reduce the non-trophy bull bison harvest in Custer State Park from 47 days to 40 days and move the start date from the last Monday to the first Monday in October. The general authority for these rules, as cited by the agency, is SDCL §§ 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, 41-6-29.1, and 41-17-1.1.

A public hearing will be held at the Creekside Lodge, Custer State Park, 13389 U.S. Highway 16A, Custer, South Dakota, on May 3, 2018, at 2:00 p.m. MST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of the

Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501 or electronically to wildinfo@state.sd.us. Persons may also view the rules at <https://rules.sd.gov>. Materials sent by mail or email must reach the Department 72 hours prior to the date of the hearing. All written and email comments must include the name, city, and state of the person submitting them. 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 public hearing.

***Department of Labor and Regulation:
Appraiser Certification Program:***

(April 12, 2018) intends to amend rules to lower the number of months and hours of experience for the State-Licensed and State-Certified Residential appraiser; lower the percentage of required residential appraisal experience hours for the State-Certified Residential appraiser; lower the number of months of experience for the State-Certified General appraiser; correct certain terminology for consistency; add general education options for the State-Certified Residential appraiser; repeal the general education requirements for State-Licensed appraiser; provide an alternative to general education requirements for the State-Licensed appraiser to upgrade to State-Certified Residential appraiser; clearly state the late renewal application deadline; establish the late fee for late completion of the update course; and clearly affirm the deadline for completion of the update course. The general authority for these rules, as cited by the agency, is SDCL §§ 36-21B-3 and 36-21B-4.

A public hearing will be held in the Appraiser Certification Program Conference Room, 308 South Pierre Street, Pierre, South Dakota, on May 14, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of

Labor and Regulation, Appraiser Certification Program, 308 S. Pierre St., Pierre, SD 57501. Materials sent by mail must reach the Department by May 24, 2018, to be considered. 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) 773-4608 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE: SOUTH DAKOTA COMMISSION ON GAMING:

20:18:06:02; 20:18:12.01:07.01, 20:18:12.01:08.01, 20:18:12.01:17, 20:18:12.01:22, 20:18:12.01:23; 20:18:15:01.01, 20:18:15:30.03, 20:18:15:30.18; 20:18:16:02, 20:18:16:15.02, 20:18:16:15.15; 20:18:29:04; and 20:18:33:13.

History-Notice: 44 SDR 133, March 5, 2018
Hearing: March 27, 2018
Filed: April 9, 2018
Effective: April 30, 2018

DEPARTMENT OF AGRICULTURE:

12:56:04:15; 12:56:05:04.17, 12:56:05:04.18; and 12:56:11:02.

History-Notice: 44 SDR 117, Jan. 16, 2018
Hearing: February 9, 2018
Filed: April 10, 2018
Effective: April 30, 2018

DEPARTMENT OF GAME, FISH AND PARKS: 41:09:04:02.06.

History-Notice: 44 SDR 98, Nov. 27, 2017
Hearing: December 14, 2017
Filed: April 10, 2018
Effective: April 30, 2018

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:16:02.01, 41:06:16:03,

41:06:16:07; and 41:06:50:03.

History-Notice: 44 SDR 111, Dec. 27, 2017
Hearing: January 11, 2018
Filed: April 10, 2018
Effective: April 30, 2018

DEPARTMENT OF GAME, FISH AND

PARKS: 41:03:01:16; 41:04:02:32, 41:04:02:52; 41:06:56, 41:06:56:01, 41:06:56:02, 41:06:56:03, 41:06:56:04; 41:07:03:01, and 41:07:03:03.

History-Notice: 44 SDR 127, Feb. 12, 2018
Hearing: March 1, 2018
Filed: April 10, 2018
Effective: April 30, 2018

Executive Appointments:

Caitlin Bordeaux, St. Francis, was appointed on March 29, 2018, to the **South Dakota Professional Teachers Practices and Standards Commission**, to replace Tom Keck, effective March 19, 2018, and shall continue until December 31, 2020.

Dave Eide, Watertown, was appointed on March 29, 2018, to the **State Electrical Commission**, to replace Timothy McIntyre, effective April 15, 2018, and shall continue until April 14, 2021.

Chantal Ligtenberg, Sturgis, was appointed on March 29, 2018, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Bev Rosenboom, effective March 19, 2018, and shall continue until December 31, 2020.

Sean Lyons, Yankton, was reappointed on March 29, 2018, to the **State Electrical Commission**, effective April 15, 2018, and shall continue until April 14, 2021.

Todd A. McCaskell, Pierre, was reappointed on March 29, 2018, to the **State Plumbing Commission**, effective April 15, 2018, and shall continue until April 14, 2021.

Christopher L. Moore, Madison, was reappointed on March 29, 2018, to the **State Plumbing Commission**, effective April 15, 2018, and shall continue until April 14, 2021.

Larry Nelson, Canton, was reappointed on March 29, 2018, to the **Transportation Commission**, effective April 18, 2018, and shall continue until April 18, 2022.

Steven Thingelstad, Black Hawk, was reappointed on March 29, 2018, to the **Board of Technical Professions**, effective April 15, 2018, and shall continue until April 14, 2021.

Russel Vanderwerff, Sioux Falls, was reappointed on March 29, 2018, to the **State Electrical Commission**, effective April 15, 2018, and shall continue until April 14, 2021.

Steven K. Williams, Spearfish, was reappointed on March 29, 2018, to the **Board of Technical Professions**, effective April 15, 2018, and shall continue until April 14, 2021.

John Calvin, Watertown, was reappointed on April 5, 2018, to the **Board of Economic Development**, effective April 15, 2018, and shall continue until April 14, 2022.

Crystal Carlson, Beresford, was reappointed on April 5, 2018, to the **Cosmetology Commission**, effective April 16, 2018, and shall continue until April 15, 2021.

Joseph Pat Costello, Sioux Falls, was appointed on April 5, 2018, to the **Board of Economic Development**, to replace Greg Heineman, effective April 15, 2018, and shall continue until April 14, 2022.

Doyle Estes, Hill City, was reappointed on April 5, 2018, to the **South Dakota**

Board of Directors for Educational Telecommunications, effective March 19, 2018, and shall continue until June 30, 2019.

Kay Jorgensen, Spearfish, was reappointed on April 5, 2018, to the **South Dakota Board of Directors for Educational Telecommunications**, effective March 19, 2018, and shall continue until June 30, 2018.

Matt Judson, Pierre, was appointed on April 5, 2018, to the **Board of Economic Development**, to replace Tony Klein, effective April 15, 2018, and shall continue until April 14, 2022.

Dave Landry, Sioux Falls, was appointed on April 5, 2018, to the **South Dakota Board of Directors for Educational Telecommunications**, to replace Gerry Schlenker, effective March 19, 2018, and shall continue until June 30, 2020.

Dennis McFarland, Sioux Falls, was reappointed on April 5, 2018, to the **South Dakota Commission on Gaming**, effective April 15, 2018, and shall continue until April 14, 2021.

Jerry Oster, Yankton, was appointed on April 5, 2018, to the **South Dakota Board of Directors for Educational Telecommunications**, to replace Rick Knobe, effective March 19, 2018, and shall continue until June 30, 2020.

Debra Pageler, Sisseton, was appointed on April 5, 2018, to the **Cosmetology Commission**, to replace Lori Berreth, effective April 16, 2018, and shall continue until April 15, 2021.

Dan Roe, Sturgis, was reappointed on April 5, 2018, to the **Abstracters' Board of Examiners**, effective April 2, 2018, and shall continue until April 1, 2021.

Kara Semmler, Pierre, was reappointed on April 5, 2018, to the **Abstracters’ Board of Examiners**, effective April 1, 2018, and shall continue until April 1, 2021.

Gregory Wick, Rapid City, was reappointed on April 5, 2018, to the **Abstracters’ Board of Examiners**, effective April 2, 2018, and shall continue until April 1, 2021.

Mark Shlanta, Sioux Falls, was reappointed on April 5, 2018, to the **South Dakota Board of Directors for Educational Telecommunications**, effective March 18, 2018, and shall continue until June 30, 2018.

Victoria Wilds, Sioux Falls, was reappointed on April 5, 2018, to the **Abstracters’ Board of Examiners**, effective April 2, 2018, and shall continue until April 1, 2021.

Tami Stokes, Lead, was appointed on April 5, 2018, to the **Cosmetology Commission**, to replace Laurie Brandner, effective April 16, 2018, and shall continue until April 15, 2021.

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.

Greg Strommen, Rapid City, was appointed on April 5, 2018, to the **South Dakota Commission on Gaming**, to replace Timothy Holland, effective April 15, 2018, and shall continue until April 14, 2021.

REMINDER OF HEARINGS SCHEDULED

4-26-2018	Department of Transportation: Amend rules to make speed limit changes on State Trunk Highway 50 in and around Tyndall and Tabor; 44 SDR 147, April 9, 2018.
5-2-2018	Department of Environment and Natural Resources: Board of Water Management: Amend rules to update references; correct typographical errors; require additional testing requirements for certain tank components; clarify training requirements; require additional reporting requirements; extend regulatory compliance to field constructed tanks and airport hydrant tanks; place additional requirements on certain classes of emergency generator tanks; and eliminate the usage of ball float valves for overflow protection; 44 SDR 147, April 9, 2018.
5-3-2018	Department of Game, Fish and Parks: Amend rules to eliminate the term “youth” and replace it with “apprentice hunter” in designating areas where free antlerless deer licenses can be used by farmers and ranchers; require any resident and nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in the Black Hills as defined in ARSD 41:06:19:02; replace the term “youth” with “apprentice hunter” regarding access permits required for specific deer hunting units and public lands; eliminate the term “youth deer” and replace it with “apprentice hunter deer”, and add the word “youth” to the term “antelope” for hunting license fees; reinstate the antlerless-only hunting dates to nine consecutive days following the conclusion of the West River deer season; reduce East River deer hunting resident license numbers from 21,085 one-tag to 20,900 one-tag and modify the antlerless-only deer hunting season dates to nine consecutive days beginning the Saturday following the 16 th day of the

	<p>East River deer season; create a new Limited Access Unit (Unit 59L) in Hughes and Sully counties limited to all Game Production Areas, Corps of Engineer, and Park Recreation Area Lands north of Oahe Dam in Hughes County and west of U.S. Hwy 1804 to Bush's Landing boat ramp in Sully County at 182nd Street, excluding the Spring Creek Recreation area; eliminate Unit 59B; modify Unit 59A to include all of Sully County except that portion within Unit 59L; modify Unit 36A to include all of Hughes County, excluding that portion within Unit 59L, Farm Island Recreation Area, LaFramboise Island, and the land from the entrance to Farm Island Recreation Area west through the city of Pierre; modify the archery deer hunting season end date from January 15th to January 1st and make invalid antlerless whitetail deer licenses after January 1st; modify unit ARD-LM1 to close unit ERD-59L; change the archery season end date for Sand Lake National Wildlife Refuge, Lacreek National Wildlife Refuge, Waubay National Wildlife Refuge, and Waubay State Game Refuge from December 31 to January 1, except during the firearm deer seasons established for such refuges; extend the trophy bull bison harvest in Custer State Park from 47 days to 61 days and move the start from the last Monday to the third Monday in November; rename appropriate rules from the "Youth Deer Hunting Season" to "Apprentice Hunter Deer Season"; amend language regarding closed areas to expand eligibility to deer hunt; allow an apprentice hunter to qualify for a deer license under the provisions of ARSD 41:06:44; change the availability of both any deer and antlerless whitetail deer licenses as valid only from December 1st to January 1st for the General muzzleloading deer hunting season; modify unit MZD-LM1 to close unit ERD-59L; change the time period in which depredation hunts (excluding elk) may occur, from December 1st to March 31st to August 15th to March 31st; expand the time period for pool hunters for depredation purposes from April 15th to December 31st; eliminate the \$20 fee for an elk depredation permit; and reduce the non-trophy bull bison harvest in Custer State Park from 47 days to 40 days and move the start date from the last Monday to the first Monday in October; 44 SDR 149, April 16, 2018.</p>
<p>5-8-2018</p>	<p>Department of Education: South Dakota Board of Education Standards: Amend rules to authorize the Department to equalize the distribution of accreditation reviews across a five-year time frame; and align language related to the state accountability system, performance goals, school classifications, and school support process with the State's approved plan pursuant to the Every Student Succeeds Act of 2015 and state law; 44 SDR 149, April 16, 2018.</p>
<p>5-14-2018</p>	<p>Department of Labor and Regulation: Appraiser Certification Program: Amend rules to lower the number of months and hours of experience for the State-Licensed and State-Certified Residential appraiser; lower the percentage of required residential appraisal experience hours for the State-Certified Residential appraiser; lower the number of months of experience for the State-Certified General appraiser; correct certain terminology for consistency; add general education options for the State-Certified Residential appraiser; repeal the general education requirements for State-Licensed appraiser; provide an alternative to general education requirements for the State-Licensed appraiser to upgrade to State-Certified Residential appraiser; clearly state the late renewal application deadline; establish the late fee for late completion of the update course; and clearly affirm the deadline for completion of the update course; 44 SDR 150, April 16, 2018.</p>

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, June 4, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held July 9, August 20, September 17, and November 13.

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>.

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