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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

Department of Game, Fish and Parks: (June 17, 2024) intends to amend rules to eliminate the option to purchase a discounted second annual park entrance license through the stub/coupon method; eliminate the ability to buy multiple discounted annuals through common vehicle registration; provide for the availability of a double license option; modify landowner own land license types from one "any antelope" or one two-tag "any antelope" and "any doe-fawn antelope" to one "buck antelope" only; close the mentored antelope season; reduce the minimum factory rated muzzle velocity of one thousand feet per second to six hundred feet per second for an air gun with hunting pellets to hunt cottontail rabbit, red squirrel, fox squirrel, grey squirrel, coyote, wolf, gray fox, red fox, skunk, gopher, ground squirrel, chipmunk, jackrabbit, marmot, opossum, porcupine, crow, and prairie dog; adjust unit boundary descriptions and create new units; allow an individual that applies for a "special antelope" license to apply for another antelope license in the second lottery drawing instead of the third lottery drawing; and remove the availability of access permits within the Black Hills Fire Protection District. The general authority for these rules, as cited by the department, is SDCL [41-2-18](#), [41-6-19.3](#), [41-6-19.4](#), [41-6-81](#), [41-8-31](#), [41-11-5](#), and [41-17-13](#).

A public hearing at which persons may present amendments, data, opinions, and arguments for or against the proposed rules will be held at Good Earth State Park, 26924 480th Avenue, Sioux Falls, South Dakota, on July 11, 2024, at 2:00 p.m. (CT). Copies of the proposed rules may be obtained without charge from, and written comments on the proposed rules may be sent to, the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. The rules are also available online at <https://rules.sd.gov>. Comments may also be submitted at <http://gfp.sd.gov/forms/positions>. All written and email comments must include the name, city, and state of the person submitting them. The comment period will close 72 hours prior to the date of the hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Order

Governor Noem has signed [Executive Order 2024-04](#), dated June 22, 2024, declaring a state of emergency in South Dakota under provisions of [SDCL chapter 34-48A](#) due to the recent severe storms, flooding, and predicted water flows that could cause additional flooding, which have resulted in damage to roads, bridges, dams, other public infrastructure, and personal property. It states that lakes and streams in eastern South Dakota are at or above flood stage with the potential to cause flooding of lands, homes, and other private property, and boat usage on these bodies of water will present serious safety risks to the user as well as potential damage to properties and shorelines in flooded areas. The effect of the

Order, as described in the document, is to establish a "no boating declaration" on the waters of Lake Alvin in Lincoln County, Lake Henry in Bon Homme County, Marindahl Lake in Yankton County, Menno Lake in Hutchinson County, and Swan Lake in Turner County. It further declares that the Governor or her designee, Kevin Robling, Secretary of the Department of Game, Fish and Parks, may modify the declaration as needed to add to, delete from, or otherwise modify boating restrictions for any bodies of water similarly affected in South Dakota. Under the Order, the technical resources available to state government will also be utilized under the coordination of the Department of Public Safety, Office of Emergency Management, in support of city, county, and tribal governments to restore normal travel conditions and emergency services. The Order goes into effect immediately and will expire upon the conclusion of the emergency, but no later than July 22, 2024.

Executive Appointments

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeding</u>	<u>Effective/End Date</u>
State Electrical Commission			
David A. Eide Watertown	Governor	Reappointed	6/20/2024 – 4/14/2027
Carl J. Odde Brookings	Governor	Sean Lyons	8/1/2024 – 4/14/2027

SCHEDULED PUBLIC HEARINGS

6-25-2024	<u>South Dakota Commission on Gaming (Department of Revenue)</u> : Amend rules to incorporate the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommend Penalties as applied to authorized drugs used in relation to horse racing; 50 SDR 138, May 20, 2024.
7-8-2024	<u>South Dakota Board of Education Standards (Department of Education)</u> : Amend rules to align with the appeal window in codified law and make updates for consistent reference to due process complaints and the 30-day resolution period; 50 SDR 128, April 29, 2024.
7-9-2024	<u>South Dakota Housing Development Authority</u> : Amend rules to modify the definition of "political subdivision" to include political subdivisions of a federally recognized Indian tribe, and modify the eligibility for the housing infrastructure program to eliminate the requirement that the political subdivision be of the state of South Dakota; 50 SDR 152, June 17, 2024.
7-11-2024	<u>South Dakota One Call Board (Department of Public Safety)</u> : Amend rules to mandate excavators to identify the precise site being excavated by pre-marking the area of excavation with white paint or flags ("white lining"); mandate operators to participate in a Positive Response program in which operators must provide response to the notification center prior to the ticket start date and time; and limit excavators from updating current tickets after sixty-three calendar days have elapsed from the state date of the original ticket; 50 SDR 152, June 17, 2024.
7-11-2024	<u>Department of Game, Fish and Parks</u> : Amend rules to eliminate the option to purchase a discounted second annual park entrance license through the stub/coupon method; eliminate the ability to buy multiple discounted annuals through common vehicle registration; provide for the availability of a double license option; modify landowner own land license types from one "any antelope" or one two-tag "any antelope" and "any doe-fawn antelope" to one "buck antelope" only; close the mentored antelope season; reduce the minimum factory rated muzzle velocity of one thousand feet per second to six hundred feet per second for an air gun with hunting pellets to hunt cottontail rabbit, red squirrel, fox squirrel, grey squirrel, coyote, wolf, gray fox, red fox, skunk, gopher, ground squirrel, chipmunk, jackrabbit, marmot, opossum, porcupine, crow, and prairie dog; adjust unit boundary

	descriptions and create new units; allow an individual that applies for a "special antelope" license to apply for another antelope license in the second lottery drawing instead of the third lottery drawing; and remove the availability of access permits within the Black Hills Fire Protection District; 50 SDR 160, June 24, 2024.
7-23-2024	<u>South Dakota Electrical Commission (Department of Labor and Regulation)</u> : Amend rules to adopt the 2023 National Electrical Code (NEC); implement standards for the approval and management of third-party inspectors; apply the statutory minimum inspection fee of one hundred dollars under SDCL 36-16-30; and formalize the third-party inspector process; 50 SDR 142, May 28, 2024.
8-16-2024	<u>South Dakota Board of Podiatry Examiners (Department of Health)</u> : Amend a rule to update the renewal fees to ensure financial viability of the board; 50 SDR 137, May 20, 2024.
8-20-2024	<u>South Dakota Board of Physical Therapy (Department of Health)</u> : Amend rules to update the activities that meet continuing education requirements and update the waiver of continuing education requirements; 50 SDR 142, May 28, 2024.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2024 Interim is Tuesday, July 23, 2024, at 10:00 a.m. (CT) via electronic conference and in Room 414 of the Capitol; please note the change from the original meeting date of July 16, 2024. Future meetings for the 2024 Interim are scheduled for August 20, September 10, and October 22. Find notices of committee meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and is updated regularly to reflect changes in drafting styles and procedures.