

# REGISTER



## South Dakota Legislative Research Council

Volume 35

Monday, 8:00 a.m., March 16, 2009

**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Environment and Natural Resources: Board of Water and Natural Resources:***

(March 10, 2009) intends to adopt EMERGENCY rules to establish a system for awarding stimulus funding provided to the State Revolving Fund programs by the American Recovery and Reinvestment Act of 2009. The general authority for these rules, as cited by the department, is SDCL 46A-1-60.3.

***Department of Game, Fish and Parks:***

(March 12, 2009) intends to amend a Markings and Zones rule to require authorization of the department secretary prior to any person placing buoys on public waters; amend the Pheasant, Grouse, Quail, and Partridge Hunting Season rules to establish season dates, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date from the first Sunday of January to the second Sunday of January; amend a Partridge Hunting Season rule to remove LaCreek National Wildlife Refuge as an area open to hunting partridge; amend a Black Hills Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (first and second season) licenses, types of available licenses, open areas, and shooting hours; adjust the number of licenses available from 755 "any elk" and 920 "anterless elk" licenses (total of 1,675 licenses) to 605 "any elk" and 760 "anterless elk" licenses (total of 1,365 licenses); and adjust Unit H3 to have a split season for anterless tags; amend a Custer State Park Early Archery Elk Hunting Season rule to establish new season dates for the Custer State Park "any elk" archery

licenses, number of available licenses, open area, and shooting hours (season dates would include the entire month of September and no longer allow unsuccessfully early archery elk hunters to return and hunt the late archery elk season); amend an Archery Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (Black Hills Units and Unit 30A) licenses, types and numbers of available licenses, open areas, and shooting hours; adjust the number of licenses available from 124 "any elk" and 78 "anterless elk" licenses (total of 202 licenses) to 114 "any elk" and 71 "anterless elk" licenses (total of 185 licenses); and adjust the Unit 30A season dates to coincide with Nebraska season dates; amend a Special Custer State Park Anterless Elk Hunting Season rule to establish season dates for the special Custer State Park "anterless elk" (Units 1 and 2) licenses, number of available licenses, open areas, and shooting hours; adjust the number of licenses available in Unit 2 from 40 licenses to 20 licenses; and change the season dates for Unit 2 to always open on the Tuesday following Native American Day for 9 consecutive days rather than the second Monday in October for 9 consecutive days; and amend a Prairie Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (Units 09A, 11A, 11B, 11C, 15A and 30A) licenses, types and numbers of available licenses, open areas and shooting hours; add a third unit to Bennett County (Unit 11A) which will include the month of August; establish a new unit in Butte and Lawrence Counties (Unit 09A); adjust Unit 30A season dates to coincide with Nebraska season dates; and adjust the number of licenses available from 30 "any elk" and 46 "anterless elk" licenses (total of 76 licenses) to 45 "any elk" and 86 "anterless elk" licenses (total of 131

licenses). The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-21, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Sioux Falls-Downtown Holiday Inn, 100 West 8<sup>th</sup> Street, Sioux Falls, South Dakota, on April 2, 2009, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. 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 e-mail to [chuck.schlueter@state.sd.us](mailto:chuck.schlueter@state.sd.us). All written and e-mail comments must include the commenter's name and address. 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) 773-3387 before the hearing.

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

**Executive Appointment:**

**Paul Gnirk**, New Underwood, was appointed on March 12, 2009, to the **Board of Water and Natural Resources**, to replace John Loucks, effective March 12, 2009, and shall continue until June 30, 2010.

**Executive Order:**

The Governor has signed **Executive Order 2009-02** dated March 11, 2009, which creates the Governor's Reentry Council. The Council will be made up from various agencies in state government, local government and tribal interests. The Council will work on coordinating state policies, resources, and information to reduce recidivism rates for the prison inmates that are released from prison. The Council will be staffed primarily by the Department of Corrections and will report to the Governor on an annual basis.

Note: A copy of the rules may be obtained directly from the above agencies. 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**

3-17-2009	Social Services	Amend Medical Services Program rules to revise terminology; specify requirements and limitations of covered transportation services; move certain fee schedules to the Department's website and establish a system under which a provider can request an amendment to the schedules; update rates of payment for covered transportation services; and establish criteria
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		for reimbursement of covered transportation services; amend Child Protection Services Program rules to establish water safety standards for family foster homes and require a group care center provider to submit its building plans for review; and amend LIEAP Program rules to remove the maximum payment limit for repair of a household's heating system; 35 SDR 203.
3-30-2009	Education: Board of Education	Adopt and amend Ed Resources rules to require schools to submit a plan if they do not meet their annual measurable objective specific to highly qualified teachers for three consecutive years and increase fees for teachers who apply for initial or for renewing a teacher certificate; and amend an Administration rule to require districts to verify the final submission of data on the second Friday in June and eliminate the additional seven days for districts that are greater than 5000 students for the June reporting deadline; 35 SDR 203.
3-30-2009	Health: Health and Medical Services	Amend a rule to ensure that Children's Special Health Services (CSHS) is using the current poverty guidelines in determining financial assistance eligibility; 35 SDR 204.
4-2-2009	Game, Fish and Parks	Amend a Markings and Zones rule to require authorization of the department secretary prior to any person placing buoys on public waters; amend the Pheasant, Grouse, Quail, and Partridge Hunting Season rules to establish season dates, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date from the first Sunday of January to the second Sunday of January; amend a Partridge Hunting Season rule to remove LaCreek National Wildlife Refuge as an area open to hunting partridge; amend a Black Hills Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (first and second season) licenses, types of available licenses, open areas, and shooting hours; adjust the number of licenses available from 755 "any elk" and 920 "anterless elk" licenses (total of 1,675 licenses) to 605 "any elk" and 760 "anterless elk" licenses (total of 1,365 licenses); and adjust Unit H3 to have a split season for anterless

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<p>4-8-2009</p>	<p>Health: Joint Boards of Nursing and Medical and Osteopathic Examiners</p>	<p>Amend a rule to change the collaboration requirements for a certified nurse practitioner or certified nurse midwife who practices at</p>

		multiple or separate practice locations; 35 SDR 215.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 21, 2009, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: May 12, June 9, July 28, September 1, October 6, November 18, and December 15.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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