

# REGISTER



## South Dakota Legislative Research Council

Volume 32

Monday, 8:00 a.m., March 20, 2006

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

***Department of Human Services: Certification Board for Alcohol & Drug Professionals:***

(March 15, 2006) intends to adopt rules to establish requirements for the certification process as it relates to alcohol and drug professionals in South Dakota; to define terms used within the article; to define certification and recognition levels as it relates to certified alcohol and drug professionals and trainees; application process; fee schedule; academic and experience requirements; define the supervision requirements and duties; define the examination process; continuing professional training requirements; requirements for renewal, upgrade or change of status; complaint process; and national certification and reciprocity. The general authority for these rules, as cited by the department, is SDCL 36-34-12, 36-34-13, 36-34-14, 36-34-15, 36-34-16, 36-34-18, 36-34-21, and 36-34-23.

A public hearing will be held in Room 412 of the Capitol Building, 500 E. Capitol Avenue, Pierre, South Dakota, on Thursday, April 20, 2006, from 10 a.m. to 12 p.m. (CST). Copies of the proposed rules may be obtained from and written comments sent to Velda Bartel, Department of Human Services, Hillsvue Plaza, East Highway 34, c/o 500 East Capitol, Pierre, South Dakota 57501-5070. Written comments must be received by April 20, 2006, to be considered. Copies of the proposed rules may also be obtained on the Internet at [www.state.sd.us/dhs/Boards/CBADP/Index.htm](http://www.state.sd.us/dhs/Boards/CBADP/Index.htm) and comments can be emailed to [velda.bartel@state.sd.us](mailto:velda.bartel@state.sd.us). E-mail comments must include the name and address of the

individual making the comments 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) 773-5990 or (605) 773-6412 TTY at least 48 hours before the hearing.

***Department of Labor: Division of Labor and Management:*** (March 15, 2006) is proposing to update the workers' compensation fee schedule. The general authority for these rules, as cited by the department, is SDCL 62-7-8.

A public hearing will be held in the Kneip Building, Conference Room #3, 700 Governors Drive, Pierre, South Dakota, on April 27, 2006, at 9:00 a.m., CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Labor, Division of Labor and Management, Kneip Building, 700 Governors Drive, Pierre, South Dakota 57501-2291 or at the department's website [www.sdjobs.org](http://www.sdjobs.org). Material sent by mail must be received by May 7, 2006, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3681 before the hearing.

***Department of Game, Fish and Parks:*** (March 17, 2006) intends to amend Hunting License fees to establish the fee for a Custer State Park 1-tag and 2-tag antlerless deer license; amend Custer State Park Deer Hunting Season to establish the number/types of deer licenses/tags available in Custer State Park; amend Application for License to modify procedures and applicability of issuance and maintenance of preference points to qualified landowners who are unsuccessful for first

choice units in the first drawing; amend Archery Elk Hunting Season to establish the number/types of licenses/tags available in applicable archery hunting Units; amend Black Hills Elk Hunting Season to establish the number/types of licenses/tags available in applicable hunting Units; amend Prairie Elk Hunting Season to establish the number/types of licenses/tags available in applicable and modified hunting Units; modify the hunt Units in Bennett County and establish the hunting season dates within the Bennett County hunting Units; amend Mountain Goat Hunting Season to modify the hunting season dates; amend Black Hills Bighorn Sheep Hunting Season to modify the hunting season dates; amend Grouse Hunting Season to modify the shooting hours (sunrise to sunset) for the hunting season – statewide; amend Pheasant Hunting Season to modify (lengthen) hunting season in Unit 2; amend Resident Pheasant Hunting Season to remove reference to bag limits relating to the youth pheasant season; amend Gray Partridge Hunting Season to modify the shooting hours (sunrise to sunset) for the hunting season – statewide; amend Cottontail Rabbit Hunting Season to make modifications to the hunting season; amend Mourning Dove Hunting Season to make modifications to the hunting season and remove the Eurasian collared dove from the classification of a mourning dove; and amend Dog Training to repeal the dog training prohibitions applicable to certain portions of the Fort Pierre National Grasslands and school and public lands and repeal the permitted and conditional use of horses in the training of dogs on public land. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, 41-6-78, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Ramkota River Centre, Pierre, South Dakota, on April 6, 2006, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, 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 Noon on the day 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). 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.

***Department of Revenue and Regulation:***

***Division of Insurance:*** (March 17, 2006) intends to amend rules to require prominent and clear disclosures in Credit Life, Health, and Unemployment Insurance applications and documents; to allow producers to obtain continuing education credit through company sponsored courses; to exempt certain life insurance riders from long term care requirements; to allow a person who maintained a physical residence in South Dakota for at least one year in the prior ten years remain eligible for the South Dakota risk pool; and to require enrollees with the South Dakota Risk Pool board to pay their amounts due to medical providers as a condition of continued eligibility. The general authority for these rules, as cited by the division, is SDCL 58-4-1, 58-17-87, 58-17-124, 58-17B-4, 58-19-34, and 58-30-117.

A public hearing will be held in the Governors Large Conference Room, Capitol Building, Pierre, South Dakota, on April 20, 2006, at 9:00 and 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. The text of the proposed rules will be posted on the Division of Insurance's website at [www.state.sd.us/drr2/reg/insurance/legal/hearing.html](http://www.state.sd.us/drr2/reg/insurance/legal/hearing.html). The rules may also be obtained as a

Microsoft Word attachment by emailing [Melissa.Kusser@state.sd.us](mailto:Melissa.Kusser@state.sd.us). Written comments must be received by April 13, 2006, 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) 773-3563 at least 48 hours before the hearing.

**NOTICE:** The **Department of Labor: Division of Labor and Management** has cancelled the public hearing scheduled for **March 30, 2006**, at 9:00 a.m.

**FILINGS IN THE SECRETARY OF STATES OFFICE:**

**Executive Appointments:**

**Ila Davis**, Ipswich, was reappointed on March 13, 2006, to the **Cosmetology Commission**, effective April 15, 2006, and shall continue until April 14, 2009.

**Kevin Mutchelknaus**, Pierre, was appointed on March 14, 2006, to the **South Dakota Academic Achievement Test Advisory Council**, to replace David Jewett, effective

immediately and shall continue until July 1, 2006.

**Virginia Nelson**, Rapid City, was appointed on March 14, 2006, to the **South Dakota Lottery Commission**, to replace Lance Russell, effective immediately and shall continue until January 1, 2009.

**Duane Schmautz**, Pierre, was reappointed on March 14, 2006, to the **South Dakota Lottery Commission**, effective immediately and shall continue until January 1, 2009.

**Bleau J. LaFave**, Sioux Falls, was appointed on March 16, 2006, to the **Statewide One-Call Notification Center Board**, to replace Steve Lehner, effective March 14, 2006, and shall continue until November 1, 2008.

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**

3-20-2006	Education: Board of Education	Amend rules that will create K-12, K-8, and 7-12 special education certification endorsement programs; require that the unit of credit and letter grade for any high school courses taken in the eighth grade be recorded on high school transcripts, that the unit of credit be included in the credits required for high school graduation, and that the letter grade calculated in the high school cumulative grade point average; reinstate a rule that was previously repealed because the rule supported the South Dakota Career Assessment Program (SDCAP), an aptitude and interest assessment that is currently administered to South Dakota eighth- and ninth-grade students; 32 SDR 149.
3-23-2006	Transportation	Amend rules to establish a speed limit on South Dakota Highway 445 (Deadwood

		Avenue) from Interstate 90 to South Dakota Highway 231 (West Chicago Street) in Rapid City; amend an existing speed zone on US Highway 12 through the city of Big Stone City to extend reduced speed limits to the east and west of the city; establish new speed limits north of Big Stone City along State Highway 109; and amend the Extended Period Permit—Over 80,000 on Interstate Permit from a single trip permit to an extended period permit; 32 SDR 149.
3-30-2006 <b>Cancelled</b>	Labor: Division of Labor and Management	Amend the workers' compensation fee schedule; 32 SDR 149.
4-4-2006	Environment and Natural Resources: Operator Certification Program	Amend rules to modify the experience requirement for a water/wastewater operator that does not have applicable post-high school education in order to become certified as a Class III or IV operator. Applicable post-high school education includes "college or vocational school majoring in engineering, environmental sciences, or related fields"; 32 SDR 135.
4-5-2006	Labor: Retirement System	Amend rules to comply with federal law in regard to certain purchases of service credit, to establish presumptions in regard to a member's total severance of employment, to amend disability rules in regard to an employer's ability to accommodate a disabled employee, to define "earned income" for disability payment purposes, to identify void ballots in trustee elections, to clarify the administration of certain court orders, and to provide for a right of review of staff decisions; 32 SDR 153.
4-6-2006	Game, Fish and Parks	Amend Hunting License fees to establish the fee for a Custer State Park 1-tag and 2-tag antlerless deer license; amend Custer State Park Deer Hunting Season to establish the number/types of deer licenses/tags available in Custer State Park; amend Application for License to modify procedures and applicability of issuance and maintenance of preference points to qualified landowners who are unsuccessful for first choice units in the first drawing; amend Archery Elk Hunting Season to establish the number/types of licenses/tags available in applicable archery hunting Units; amend Black Hills Elk Hunting Season to establish the number/types of licenses/tags

		available in applicable hunting Units; amend Prairie Elk Hunting Season to establish the number/types of licenses/tags available in applicable and modified hunting Units; modify the hunt Units in Bennett County and establish the hunting season dates within the Bennett County hunting Units; amend Mountain Goat Hunting Season to modify the hunting season dates; amend Black Hills Bighorn Sheep Hunting Season to modify the hunting season dates; amend Grouse Hunting Season to modify the shooting hours (sunrise to sunset) for the hunting season – statewide; amend Pheasant Hunting Season to modify (lengthen) hunting season in Unit 2; amend Resident Pheasant Hunting Season to remove reference to bag limits relating to the youth pheasant season; amend Gray Partridge Hunting Season to modify the shooting hours (sunrise to sunset) for the hunting season – statewide; amend Cottontail Rabbit Hunting Season to make modifications to the hunting season; amend Mourning Dove Hunting Season to make modifications to the hunting season and remove the Eurasian collared dove from the classification of a mourning dove; and amend Dog Training to repeal the dog training prohibitions applicable to certain portions of the Fort Pierre National Grasslands and school and public lands and repeal the permitted and conditional use of horses in the training of dogs on public land; 32 SDR 157.
4-12-2006	Agriculture	Amend rules to maintain interstate shipment of milk and milk products and maintain a safe and wholesome dairy product for the consumer; 32 SDR 150.
4-12-2006	Agriculture: Weed & Pest Commission	Amend a rule to add Field Bindweed and remove Salt cedar from the local noxious weed list; 32 SDR 150.
4-19-2006	Environment and Natural Resources: Board of Minerals and Environment	Adopt revisions to federal regulations for the air pollution control program including reinforce plastic composites production, stationary turbines, stationary reciprocating internal combustion engines, and industrial, commercial, and institutional boilers and process heaters; 32 SDR 153.
4-19-2006	Personnel: Career Service Commission	Amend rules to allow for a simplified, expedited appeals procedure under the career

		service rules and to clarify the time limitations for filing appeals; and to clarify the procedures relating to career service employees who may have become afflicted with a contagious disease; 32 SDR 153.
4-20-2006	Human Services: Certification Board for Alcohol & Drug Professionals	Adopt rules to establish requirements for the certification process as it relates to alcohol and drug professionals in South Dakota; to define terms used within the article; to define certification and recognition levels as it relates to certified alcohol and drug professionals and trainees; application process; fee schedule; academic and experience requirements; define the supervision requirements and duties; define the examination process; continuing professional training requirements; requirements for renewal, upgrade or change of status; complaint process; and national certification and reciprocity; 32 SDR 157.
4-20-2006	Revenue and Regulation: Division of Insurance	Amend rules to require prominent and clear disclosures in Credit Life, Health, and Unemployment Insurance applications and documents; to allow producers to obtain continuing education credit through company sponsored courses; to exempt certain life insurance riders from long term care requirements; to allow a person who maintained a physical residence in South Dakota for at least one year in the prior ten years remain eligible for the South Dakota risk pool; and to require enrollees with the South Dakota Risk Pool board to pay their amounts due to medical providers as a condition of continued eligibility; 32 SDR 158.
4-27-2006	Labor: Division of Labor and Management	Amend the workers' compensation fee schedule; 32 SDR 157.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, April 19, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: May 16, June 13, August 29, September 28, December 5, and January 8, 2007.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

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