

# REGISTER



## South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., March 21, 2005

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

**Department of Labor: Division of Labor and Management:** (March 14, 2005) is proposing to update the workers' compensation fee schedule. The general authority for this rule, as cited by the division, is SDCL 62-7-8.

A public hearing will be held in the State Library, 800 Governors Drive, Conference Room, Pierre, South Dakota, on April 26, 2005, at 10:00 a.m., CDT. 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. Material sent by mail must be received by May 10, 2005, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-6804 before the hearing.

**Department of Labor: South Dakota Board of Accountancy:** (March 14, 2005) has filed a rule that will allow the board to collect the fees associated with the computerized Uniform CPA Examination from candidates, to be paid to the third party providers upon receipt of their services. The general authority for this rule, as cited by the department, is SDCL 36-20B-12.

A public hearing will be held in the Conference Room of the Casey Peterson & Associates, Ltd., 505 Kansas Street, Rapid City, South Dakota, on April 29, 2005, at 9:00 a.m. (MT). Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Board of Accountancy, 301 E.

14<sup>th</sup> Street, #200, Sioux Falls, South Dakota 57104 or by calling (605) 367-5770. Materials sent by mail must reach the Board of Accountancy office on or before April 26, 2005, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 367-5770 at least 48 hours before the hearing.

**Department of Game, Fish and Parks:** (March 18, 2005) has filed rules to exempt military personnel (families) from park entrance license requirements from July 8 through July 10, 2005; prohibit camper units without horse to occupy an equestrian campground unless permitted by the park manager; establish/modify the number, types, and names of licenses available in Custer State Park for "any whitetail deer," "any deer," and "muzzleloader antlerless whitetail deer" and make changes to Unit numbers; close the Custer State Park Bighorn Sheep hunting season and provide that persons will not lose preference points during the time the season is closed; modify the Special Custer State Park Antlerless Elk hunting season dates in early hunting Unit and make changes to Unit numbers; modify eligibility requirements for persons who previously received a certain type of "deer" license to hunt in Custer State Park; modify the Archery Antelope hunting season areas open for unlimited "any antelope" licenses, repeal limited draw Units, make changes to Unit numbers, and impose restrictions on the number of licenses available to any one person; modify Archery Deer hunting season dates in applicable Units and State Parks, Recreation Areas, and Nature Areas, modify the numbering system for the applicable Units, repeal and modify the limited draw Units, provide restrictions, prohibitions,

and requirements for the hunting of "any antlerless deer" within the state park system, institute a process for permitting the use of a certain number of licenses to be used on the Adams Homestead and Nature Preserve and a portion of Dakota Dunes in Union County, and impose restrictions on the number of licenses any one person may acquire; repeal and modify the Muzzleloading Deer hunting season as to the limited draw Units, modify the numbering system for the applicable Units, establish the number and types of licenses available in the applicable Units, restrict the type of license valid in State Parks (except Custer State Park), Nature Areas, and Recreation Areas, impose restrictions on the number of licenses any one person may acquire, and provide eligibility requirements for available licenses; modify the Archery Elk hunting season numbering system for the applicable Units, establish the number and types of licenses available in the applicable existing, modified, and new hunting Units, modify the unit boundaries for certain hunting Units, establish new hunting Units, and modify the hunting season dates in certain applicable hunting Units; modify the Black Hills Elk hunting season numbering system for the applicable Units and Sub-Units, establish number and types of available licenses in the applicable existing and modified Units and Sub-Units, modify the description and boundaries of certain applicable Units and Sub-Units, and modify the hunting season dates in certain applicable Units and Sub-Units and license types; modify the Prairie Elk hunting season numbering system for the applicable hunting Units, establish the number and types of licenses available in the applicable existing and modified Units; modify the season dates in certain applicable hunting Units, and modify the areas permitted to be hunted in certain hunting Units; modify the Mountain Goat hunting season numbering system for applicable Units and establish the number of licenses available in each Unit; amend the rule to state that the application for the second or subsequent lottery drawing for Black Hills Elk, Prairie Elk, and Archery Elk must be accompanied by the

application fee and license fee; modify types of certain deer licenses nonresidents may acquire after the second lottery drawing, modify present and future eligibility requirements for certain elk licenses, and remove the internet application requirement for certain elk licenses; modify Grouse hunting season dates in applicable areas of the State and modify the hunting Units to include one Unit; modify Pheasant hunting season dates in applicable areas of the State and make modifications to the areas within the applicable hunting Units; modify Private Shooting Preserves by modifying the sex of pheasants that are required to be released on a shooting preserve and which may be counted towards the minimum number and modify the daily bag limit for pheasants taken on certain shooting preserves; modify Quail hunting season dates in certain areas of the State; modify Gray Partridge hunting season dates in certain areas of the State and make modifications to the areas within the applicable hunting Units; modify the Youth Pheasant hunting season dates in certain areas of the State; modify the Resident Pheasant hunting season dates in certain areas of the State and permit the hunting on property owned by School and Public Lands; modify the Crow hunting season dates in the applicable areas of the State; and modify those areas closed to dog training in the Fort Pierre National Grasslands. 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, 41-10-16, 41-11-5, 41-17-1.1, 41-17-13.4,

A public hearing will be held at Swiftel Center, 824 32<sup>nd</sup> Avenue, Brookings, South Dakota, on April 7, 2005, 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 prior to the hearing date. 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. 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 Appointments:**

**Ed Pinkman**, Aberdeen, was appointed on March 3, 2005, to the **Board of Service to the Blind and Visually Impaired**, to replace Linda Biffert, effective immediately and shall continue until June 30, 2007.

**Clare Bedsaul**, Rapid City, was reappointed on March 14, 2005, to the **State Historical Society Board of Trustees**, effective April 16, 2005, and shall continue until April 15, 2008.

**Doyle Estes**, Rapid City, was appointed on March 14, 2005, to the **Governor's Task Force on Trust Administration Review and Reform**, effective immediately.

**Lois A. Porch**, Philip, was reappointed on March 14, 2005, to the **Cosmetology Commission**, effective April 15, 2005, and shall continue until April 14, 2009.

**Tom D. Tobin**, Winner, was reappointed on March 14, 2005, to the **State Historical Society Board of Trustees**, effective April 16, 2005, and shall continue until April 15, 2008.

**Gordon Garnos**, Watertown, was reappointed on March 15, 2005, to the **Career Service Commission**, effective April 23, 2005, and shall continue until April 22, 2009.

**Mark Amundson**, Sioux Falls, was reappointed on March 17, 2005, to the **Board of Economic Development**, effective April 20, 2005, and shall continue until April 19, 2009.

**Dale Clement**, Rapid City, was reappointed on March 17, 2005, to the **Board of Economic Development**, effective April 20, 2005, and shall continue until April 19, 2009.

**Jeffory A. Erickson**, Watertown, was reappointed on March 17, 2005, to the **Board of Economic Development**, effective April 20, 2005, and shall continue until April 19, 2009.

**Mike Ortner**, Hot Springs, was reappointed on March 17, 2005, to the **South Dakota Commission on Gaming**, effective April 15, 2005, and shall continue until April 14, 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**

3-29-2005	Revenue and Regulation: Appraisers	Amend a rule to require that an appraisal conform to the Uniform Standards of Professional Appraisal Practice, 2005 Edition; 31 SDR 115.
4-5-2005	Tourism and State Development: Board of Economic Development	Adopt rules to implement the "South Dakota Entrepreneur Support Program;" 31 SDR 133.
4-5-2005	Tourism and State Development: Board of Economic Development	Adopt rules to implement the "Capital Investment Entity Program;" 31 SDR 133.
4-7-2005	Game, Fish and Parks	Amend rules to exempt military personnel (families) from park entrance license requirements from July 8 through July 10,

		<p>2005; prohibit camper units without horse to occupy an equestrian campground unless permitted by the park manager; establish/modify the number, types, and names of licenses available in Custer State Park for "any whitetail deer," "any deer," and "muzzleloader anterless whitetail deer" and make changes to Unit numbers; close the Custer State Park Bighorn Sheep hunting season; modify the Special Custer State Park Anterless Elk hunting season; modify the Archery Antelope hunting season; modify Archery Deer hunting season; repeal and modify the Muzzleloading Deer hunting season; modify the Archery Elk hunting season; modify the Black Hills Elk hunting season; modify the Prairie Elk hunting season; modify the Mountain Goat hunting season; amend the rule to state that the application for the second or subsequent lottery drawing for Black Hills Elk, Prairie Elk, and Archery Elk must be accompanied by the application fee and license fee; modify types of certain deer licenses nonresidents may acquire after the second lottery drawing, modify present and future eligibility requirements for certain elk licenses, and remove the internet application requirement for certain elk licenses; modify Grouse hunting season; modify Pheasant hunting season; modify Private Shooting Preserves by modifying the sex of pheasants that are required to be released on a shooting preserve and which may be counted towards the minimum number and modify the daily bag limit for pheasants taken on certain shooting preserves; modify Quail hunting season dates; modify Gray Partridge hunting season dates; modify the Youth Pheasant hunting season dates; modify the Resident Pheasant hunting season dates and permit hunting on property owned by School and Public Lands; modify the Crow hunting season dates; and modify those areas closed to dog training in the Fort Pierre National Grasslands; 31 SDR 137.</p>
<p>4-14-2005</p>	<p>Agriculture: Weed and Pest Commission</p>	<p>Amend a rule that will add Salt Cedar (<u>Tamarix ramosissima</u>) and remove Field Bindweed from the statewide noxious weed list; 31 SDR 133.</p>

4-26-2005	Labor: Division of Labor and Management	Update the Workers' Compensation Fee Schedule; 31 SDR 137.
4-29-2005	Labor: Board of Accountancy	Amend a rule that will allow the board to collect the fees associated with the computerized Uniform CPA Examination from candidates, to be paid to the third party providers upon receipt of their services; 31 SDR 137.

### *Rules Review Committee Meetings*

The Interim Rules Review Committee will hold a meeting on Tuesday, March 22, 2005, at 10:00 a.m. in the LRC Conference Room, Third Floor of the State Capitol, Pierre, South Dakota, to set the meeting schedule for the upcoming interim.

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

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 31 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).