

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., March 29, 2010

NOTICES OF PROPOSED RULES: (None)

caused widespread flooding and damage to road infrastructure.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

The Governor has signed **Executive Order 2010-6** dated March 25, 2010. This order rescinds Executive Order 2010-03 because the water levels of the Big Sioux River and its tributaries no longer pose a threat to public health and safety. Caution should be used. The Governor has directed the Mayor of Sioux Falls and the Sheriff of Minnehaha County to remove signs and publish notices informing the public of the rescission.

Executive Appointments:

Terry Baloun, Highmore, was reappointed on March 25, 2010, to the **State Board of Regents**, effective immediately and shall continue until March 31, 2016.

Randy Morris, Spearfish, was reappointed on March 25, 2010, to the **State Board of Regents**, effective immediately and shall continue until March 31, 2016.

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.

Executive Orders:

The Governor has signed **Executive Order 2010-5** dated March 19, 2010. The Governor has declared a state of emergency to exist in eastern South Dakota due to heavy fall rains and heavy snowfall throughout the winter which has

REMINDER OF HEARINGS SCHEDULED

3-31-2010	Education: Board of Education	Amend a postsecondary program rule to develop an equitable distribution of state funds for the Technical Institutes; and amend certification rules to reflect certification practices and clarify current language, and create new technology endorsements for individuals to add to their current certification; 36 SDR 137.
4-7-2010	Labor: SD Retirement System	Amend rules to reflect the transfer of administrative authority over the South Dakota State Cement Plant retirement plans from the South Dakota State Cement Plant Commission

		to the South Dakota Retirement System Board of Trustees; 36 SDR 141.
4-8-2010	Game, Fish and Parks	<p>Amend Custer State Park Restrictions rules to preclude any person who received a Custer State Park "any whitetail deer plus antlerless whitetail deer" license or a Custer State Park "any antelope" license in any of the preceding 9 years from applying for a similar license in that season; repeal the rule providing for a weighted preference system for persons who apply for but are unsuccessful in receiving an elk or big horn sheep license; and add a new rule establishing restrictions on hunting from roads in Custer State Park; amend a Pheasant Hunting Season rule to establish season dates, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date for the Sand Lake National Wildlife Refuge from December 31 to the first Sunday of January; amend Antelope Hunting Season rules to establish season dates, requirements and restrictions, types and numbers of available licenses, open units and shooting hours; remove the conversion of any unsold or unfilled tags that convert to "doe/kid" antelope" tags in Units 15, 35, 49, and 53 during the West River deer season; and, at the conclusion of the firearms antelope season, would allow all unsold or unfilled tags to convert to "doe/kid antelope" licenses which would be valid for 9 consecutive days beginning on the Saturday following Christmas; amend a Black Hills Elk Hunting Season rule to establish season dates for "any elk" and "antlerless elk" (first and second season) licenses, types, and numbers of available licenses, requirements and restrictions, open units, and shooting hours; and adjust the number of licenses available from 605 "any elk" and 760 "antlerless elk" licenses (total of 1,365 licenses) to 495 "any elk" and 570 "antlerless elk" licenses (total of 1,065 licenses); amend a Custer State Park Elk Hunting Season (Any Elk) rule to establish season dates for Custer State Park "any elk" licenses and adjust the number of licenses available from 36 licenses to 21 licenses; amend a Custer State Park Early Archery Elk</p>

		<p>Hunting Season rule to establish season dates for the Custer State Park "any elk" archery licenses, open areas, requirements and restrictions, and adjust the number of licenses available from 8 licenses to 5 licenses; amend a Mourning Dove Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date from October 31 to November 9; amend an Archery Elk Hunting Season rule to establish season dates for "any elk" and "antlerless elk" (Black Hills Units and Unit 30A) licenses, types and numbers of available licenses, requirements and restrictions, open units, and shooting hours; adjust the number of licenses available from 114 "any elk" and 71 "antlerless elk" licenses (total of 185 licenses) to 96 "any elk" and 49 "antlerless elk" licenses (total of 145 licenses); amend a Special Custer State Park Antlerless Elk Hunting Season rule to establish season dates for the special Custer State Park "antlerless elk" (Units 1 and 2) licenses, requirements and restrictions, open units, shooting hours, and adjust the number of licenses available in Unit 2 from 20 licenses to 5 licenses; amend a Custer State Park Late Archery Elk Hunting Season rule to establish season dates for the Custer State Park late archery elk hunting licenses, requirements and restrictions, open areas, shooting hours, and adjust the number of "any elk" licenses available from 50 licenses to 30 licenses; amend a Black Hills Big Horn Sheep Hunting Season rule to establish eligibility requirements and restrictions, season dates, open units, shooting hours, and number of available licenses; adjust the season ending date from November 30 to December 31; and amend a Prairie Elk Hunting Season rule to establish season dates for "any elk" and "antlerless elk" (Units 09A, 11A, 11B, 11C, 15A, and 30A) licenses, types and numbers of available licenses, requirements and restrictions, open units and shooting hours; and adjust the number of licenses available from 45 "any elk" and 86 "antlerless elk" licenses</p>
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		(total of 131 licenses) to 50 "any elk" and 86 "antlerless elk" licenses (total of 136 licenses); 36 SDR 142.
4-9-2010	Agriculture: Board of Veterinary Medical Examiners	Amend Licensure Requirements rules to state in rule the application fee is \$75, the license by endorsement fee is \$25, the veterinary technician registering fee is \$20, the renewal fee for a veterinarian's license is \$100 biennially and that there is a \$50 late fee for renewals after July first; 36 SDR 137.
4-13-2010	Revenue and Regulation: Division of Insurance	Amend rules to update sources; establish standards for long term care insurers for timely claims processing and an external review procedure; and require association plans operating in the individual market to file rates for approval; 36 SDR 141.
4-14-2010	Agriculture: Agricultural Services	Amend rules to maintain compliance in the dairy industry at the farm and plant level to meet Grade "A" requirements; 36 SDR 141.
4-14-2010	Agriculture: SD Weed and Pest Control Commission	Amend a rule to add black henbane to the local noxious weed and declared pest list; 36 SDR 141.
4-15-2010	Revenue and Regulation: Division of Insurance	Amend risk pool appeal procedures; 36 SDR 137.
4-15-2010	Environment and Natural Resources: Board of Minerals and Environment	Amend air pollution control program rules to comply with revisions to the federal regulations; 36 SDR 137.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 20, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: June 8, July 20, August 31, September 28, November 17, and December 20.

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>.