

REGISTER

South Dakota Legislative Research Council



Volume 32

Monday, 8:00 a.m., April 24, 2006

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

Department of Agriculture: South Dakota Veterinary Medical Examining Board:

(April 19, 2006) is proposing to amend a rule to clarify the specific tasks allowed for registered veterinary technicians to perform. The general authority for this rule, as cited by the board, is SDCL 36-12-21.2.

A public hearing will be held at the Governor's Inn, 700 West Sioux Ave., Pierre, South Dakota 57501, on July 1, 2006, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Veterinary Medical Examining Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the board office by May 26, 2006, 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) 773-3321 at least forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:

**DEPARTMENT OF AGRICULTURE:
SOUTH DAKOTA WEED AND PEST
CONTROL COMMISSION:** 12:62:03:01.07.

History-Notice: 32 SDR 150, March 6, 2006
Hearing: April 12, 2006
Filed: April 19, 2006
Effective: May 9, 2006

DEPARTMENT OF GAME, FISH AND

PARKS: 41:06:13:02, 41:06:13:04;
41:07:10:04; 41:09:04:02.02; 41:10:02:01,
41:10:02:02, 41:10:02:03, 41:10:02:04,
41:10:02:05, 41:10:02:06, 41:10:02:07,
41:10:02:08, and 41:10:02:19.

History-Notice: 32 SDR 113, Dec. 19, 2005
Hearing: January 5, 2006
Filed: April 19, 2006
Effective: May 9, 2006

DEPARTMENT OF GAME, FISH AND

PARKS: 41:03:01:16; 41:03:03:03.01;
41:04:02:06, 41:04:02:12, 41:04:02:45;
41:05:02:21, 41:05:02:35, 41:05:02:45; and
41:06:20:02.01.

History-Notice: 32 SDR 137, Feb. 13, 2006
Hearing: March 2-3, 2006
Filed: April 19, 2006
Effective: May 9, 2006

DEPARTMENT OF TRANSPORTATION:

70:03:01:65 and 70:03:01:105.03.

History-Notice: 32 SDR 117, Dec. 27, 2005
Hearing: January 26, 2006
Filed: April 20, 2006
Effective: May 10, 2006

DEPARTMENT OF TRANSPORTATION:

70:01:02:02, 70:01:02:29; and 70:03:01:47.

History-Notice: 32 SDR 149, March 6, 2006
Hearing: March 23, 2006
Filed: April 20, 2006
Effective: May 10, 2006

Executive Appointments:

Carl Anderson, Aberdeen, was reappointed on April 14, 2006, to the **South Dakota State Railroad Board**, effective immediately and shall continue until June 30, 2010.

Dan Baker, Rapid City, was appointed on April 14, 2006, to the **South Dakota State Railroad Board**, to replace Edwin Knodel, effective April 6, 2006, and shall continue until January 1, 2010.

Karl Fischer, Fort Pierre, was reappointed on April 14, 2006, to the **South Dakota Commission on Gaming**, effective April 5, 2006, and shall continue until April 14, 2009.

Shawn Lyons, Pierre, was reappointed on April 14, 2006, to the **South Dakota Commission on Gaming**, effective April 14, 2006, and shall continue until April 14, 2009.

Todd Yeaton, Highmore, was reappointed on April 14, 2006, to the **South Dakota State Railroad Board**, effective immediately and

shall continue until June 30, 2010.

Frank Brost, Rapid City, was appointed on April 20, 2006, to the **Constitutional Revision Commission**, to replace Brent Wilbur, effective immediately and shall continue until December 31, 2006.

Executive Order:

The Governor has signed **Executive Order 2006-05** dated April 20, 2006, which declares a state of emergency to exist due to a winter storm in the counties of Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington, Perkins, and Shannon.

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

4-27-2006	Labor: Division of Labor and Management	Amend the workers' compensation fee schedule; 32 SDR 157.
4-28-2006	Secretary of State: Board of Elections	Amend rules to change the type of identification number required when registering to vote; reduce the number of instructions to voters posters placed at each polling place; list a specific type of marking device for a voter to use when marking an optical scan ballot as found on the instructions to voters posters and in the voting booths; amend the type of photo identification required to vote on the voter identification sign; amend the form of ballot for Constitutional amendments; list specific type of marking device for a voter to use in the instructions on the optical scan ballot; amend the form for Supreme Court justice retention ballot; amend the form for an initiated measure and a referred law ballot; amend an office title on the Primary

		<p>ballot to be consistent to the General ballot and amend the color code options used for the Primary ballot; amend the format for a municipal question ballot; amend the color code options used for statewide secondary elections; add a procedure to test an electronic ballot marking system and clarify when instructions to voters using optical scan ballots can be provided; amend the type of photo identification required to request an absentee ballot; delete effective date specifications for the instructions to voters; repeal conflicting voter's intent determination process; provide a tax levy opt-out ballot; provide a petition for referring a tax levy opt-out; add the procedure for the testing of the electronic ballot marking system; and add a combined absentee ballot application/return envelope for in-office absentee ballots; 32 SDR 167.</p>
5-4-2006	Game, Fish and Parks	<p>Amend Park Entrance License Exemptions – a park entrance license will not be required at Rocky Point Recreation Area on July 11, 2006, and on July 15, 2006; amend Restrictions on use of firearms and bow–Exceptions – possession of a bow at the Adams Homestead and Nature Preserve will be permitted during the archery deer season if the person has "any" type of archery deer licenses and a special permit each of which must be valid at the Preserve; amend Archery Antelope Hunting Season – establish the types of licenses/tags available and permitted harvest of antelope for each type of license; amend Archery Deer Hunting Season – modify the season dates in certain areas within the Black Hills; repeal the closure (hunting presently prohibited during the West River Prairie Deer Hunting Season) of the hunting season at the Fort Meade Bureau of Land Management South Unit and North Unit in Meade County; permit persons with certain types of archery deer licenses/tags and a special permit to hunt on the Adams Homestead and Nature Preserve and establish the number of licenses/permits available for issuance to hunt at the Preserve; and repeal the provision which presently prohibits nonresidents who have an "anterless deer" license from hunting in the counties of Union,</p>

		Lincoln, Minnehaha, and Moody; amend General Muzzleloading Deer Hunting Season – permit a person to acquire 2 muzzleloader deer licenses of any type; amend Youth Deer Season – modify (lengthen) the youth hunting season dates; amend Special Canada Goose Hunting Units Established—Limited permits—Application – combine the 2 existing hunting Units in Bennett County into 1 Unit and establish the number of licenses available and hunting season dates; and amend Mountain Lion Hunting Season – modify the hunting season dates for the hunting season and establish the harvest limits for certain mountain lions and the restrictions/prohibitions applicable to harvesting a mountain lion in certain areas; 32 SDR 177.
5-12-2006	Labor: Board of Technical Professions	Amend rules to change deadlines for exams, follow guidelines for national exams, allow 15 years for comity experience, provide websites for accredited programs, redefine a portion of land surveying, notify audit time periods, substitute "acceptance" letter in fire sprinkler and fire alarm systems, to clarify, and general housekeeping changes; 32 SDR 173.
7-1-2006	Agriculture: Veterinary Medical Examining Board	Amend a rule to clarify the specific tasks allowed for registered veterinary technicians to perform; 32 SDR 183.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 16, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: 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.

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 32 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.aspx>).