

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., May 13, 2013

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

Department of Game, Fish and Parks: (May 9, 2013) intends to create a new rule section to establish requirements and restrictions for the operation of motor vehicles, golf carts, mopeds, and scooters on roads or parking areas located within the state park system; limit the scope of the current rule (ARSD 41:06:05:03) which prohibits possession of a firearm while archery hunting and create a new rule to address non-licensee armed accompaniment and place the responsibility for rule adherence upon the unlicensed hunter; establish the number and types of licenses available for the Fall Wild Turkey Hunting Season which include offering fewer one-tag licenses and more two-tag licenses for resident hunters on the East River Prairie Units, offering fewer one-tag licenses for resident hunters and fewer one-tag licenses for nonresident hunters for the Black Hills Unit, and repeal ARSD 41:06:14:04 which provides that in units adjoining the Cheyenne River or White River a license is valid in the adjacent unit within one mile of the common river boundary; modify the season dates for the Waterfowl Hunting Seasons to run from the first Saturday of August to August 31, increase the daily bag limit to 15, add those portions west of the Cheyenne River in Pennington County to the areas open to hunting, allow use of unplugged shotguns, and modify the shooting hours to end one-half hour after sunset; establish the number and types of resident and nonresident licenses available during the Black Hills Deer Hunting Season which will include offering residents and nonresidents fewer "antlerless whitetail deer" licenses than 2012; establish the number and

types of resident and nonresident licenses available during the West River Prairie Deer Season; establish the number and types of licenses available for the East River Deer Hunting Season; provide that only unfilled "any antlerless deer" licenses are valid from January 1 to January 15, add Bon Homme, Charles Mix, Clay, Codington, Douglas, Grant, Hutchinson, Lincoln, Turner, Union, and Yankton counties to the area where "any antlerless deer" licenses are not valid, change all references to "Blood Run Nature Area" to "Good Earth State Park", reduce the number of "any antlerless deer" archery access permits for the Adams Homestead and Nature Preserve and Good Earth State Park, and increase the number of "any deer" archery access permits for the Adams Homestead and Nature Preserve; adjust the hunting start date for Unit RFD-SL1 within the National Wildlife Refuge Deer Hunting Season from the Saturday before the East River Deer Hunting Season to the second Saturday of November, adjust the start dates for all other Sand Lake Units accordingly, provide that only unfilled Sand Lake "antlerless deer" licenses are valid during the 9-day hunting season, and make allowance for optics that do not employ magnification during any Refuge Deer Hunting Seasons that are restricted to muzzleloaders; reduce the number of "any deer" licenses and increase the number of "antlerless whitetail deer" muzzleloader licenses in Custer State Park; add Bon Homme, Charles Mix, Clay, Douglas, Hutchinson, and Union counties to where only one Youth Deer Hunting License is valid and remove the youth deer restriction for Sand Lake National Wildlife Refuge, Lacreek National Wildlife Refuge, Lake Andes National Wildlife Refuge, and Waubay National Wildlife Refuge; provide that during the General

Muzzleloading Deer Hunting Season only unfilled "any antlerless deer" licenses are valid from January 1 to January 15; modify the West River Bobcat Trapping and Hunting Season from December 26 thru February 15 and modify the East River season from December 26 through the third Sunday of January. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-8-20, 41-11-5, 41-17-1.1, 41-17-13.4.

A public hearing will be held at the Capitol Lake Visitor's Center, 650 East Capitol, Pierre, South Dakota, on June 6, 2013, at 2:00 p.m. CST. Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, 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 email to Wildinfo@state.sd.us. All written and email 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 Agriculture: Agricultural Services: (May 10, 2013) is proposing to adopt rules to require additional labeling and animal health requirements to dairy producers selling bottled raw milk direct to the consumer. The general authority for these rules, as cited by the department, is SDCL §§ 39-6-9 and 40-32-18.

A public hearing will be held at the South Dakota State Capitol, Room 414, 500 East Capitol, Pierre, South Dakota, on June 6, 2013, at 12:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture,

Agricultural Services, 523 East Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the Department by June 5, 2013, 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) 773-4294 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Orders:

The Governor has signed **Executive Order 2013-06**, dated May 6, 2013, to deal with the damage from the late spring snowstorms. Under the authority of SDCL Chapter 34-48A, Emergency Management, the Governor declared a disaster to exist in Douglas, Hutchinson, Lincoln, McCook, Minnehaha, Turner and Shannon counties.

The Governor has signed **Executive Order 2013-07**, dated May 9, 2013, to assist the agriculture industry to respond to the delay in spring field work caused by the unseasonably cold weather and dry soil conditions. The executive order is deemed a special permit to allow the movement on the highways of overwidth commercial fertilizer applicators during nighttime hours if other safety requirements are met. This executive order expires May 31, 2013.

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

5-14-2013	Social Services: Divisions of Economic Assistance and Medical Services	Amend rules to update references to accurately identify the Department of Labor and Regulation, remove outdated references, remove specific dollar amounts for allowances and benefits, repeal obsolete provisions, update chapters to which the cpt 2103, Physicians' Current Procedural Terminology applies, and allow annual billing for certain services provided by chiropractic providers; 39 SDR 180.
5-14-2013	Social Services: Division of Child Care Services	Amend rules to combine material related to group family day care homes and licensed day care programs into one chapter, repeal obsolete and unnecessary provisions, update terminology, internal references, and definitions, outline the qualifications for substitute providers, specify that helpers must complete CPR training before being left alone to supervise children, specify water temperature requirements for licensed homes/facilities, remove specific temperature requirements, update discipline principles, clarify railing and barrier standards, abbreviate cleaning/sanitizing, food supply, hand washing and garbage/refuse requirements, clarify orientation and training topics and standards, specify fire drill requirements for before and after school care programs, adjust egress window standards, specify additional requirements for medication administration, outline scope of services for child care programs, update requirements and standards for family day care homes, licensed day care programs, and before and after school care programs; 39 SDR 180.
5-14-2013	Social Services: Division of Child Protection Services	Amend rules to remove all material related to child care services, repeal obsolete and unnecessary provisions, update terminology and definitions, update internal references, specify water temperature requirements for licensed homes/facilities, require carbon monoxide detectors in foster homes, update discipline principles for foster parents, clarify railing and barrier standards in foster homes, specify the length of stay allowed in a shelter care facility, outline orientation and training

		topics and standards, adjust training hour requirements, update physical examination requirements for children in care, allow certain licensed social work associates to provide face-to-face assessments, outline emergency safety intervention standards, adjust written care plan timeline requirements for child placement agencies, update requirements and standards for family foster homes, group care centers for minors, residential treatment centers, child placement agencies, independent living preparation programs, and intensive residential treatment centers; 39 SDR 181.
5-15-2013	Health: Board of Examiners for Speech-Language Pathology	Adopt rules to establish guidelines for the licensure of Speech-Language Pathologists; 39 SDR 168.
5-15-2013	Revenue: South Dakota Lottery Commission	Amend Video Lottery Requirements rules to eliminate the bet to award ratio for video lottery game play and cap the maximum award allowed per bet at one thousand dollars; and provide definitions in rule for distributors, manufacturers, and operators; 39 SDR 175.
5-16-2013	Environment and Natural Resources: Board of Minerals and Environment	Amend Air Pollution Control Program rules to adopt revisions to federal regulations and to revise certain obsolete and unnecessary statutes and rules; 39 SDR 179.
5-20-2013	Education: Board of Education	Amend a rule to increase fees for teachers who apply for initial or for renewing a teacher certificate; 39 SDR 171.
5-21-2013	Secretary of State: Board of Finance	Amend rules to require that a request for a moving allowance, including reimbursement of travel expenses, be submitted to the board for approval or disapproval before a moving allowance is authorized; 39 SDR 187.
6-6-2013	Game, Fish and Parks	Amend rules to create a new rule section to establish requirements and restrictions for the operation of motor vehicles, golf carts, mopeds, and scooters on roads or parking areas located within the state park system; limit the scope of the current rule (ARSD 41:06:05:03) which prohibits possession of a firearm while archery hunting and create a new rule to address non-licensee armed accompaniment and place the responsibility for rule adherence upon the unlicensed hunter; establish the number and types of licenses available for the Fall Wild Turkey Hunting Season which include offering fewer one-tag licenses and

		<p>more two-tag licenses for resident hunters on the East River Prairie Units, offering fewer one-tag licenses for resident hunters and fewer one-tag licenses for nonresident hunters for the Black Hills Unit, and repeal ARSD 41:06:14:04 which provides that in units adjoining the Cheyenne River or White River a license is valid in the adjacent unit within one mile of the common river boundary; modify the season dates for the Waterfowl Hunting Seasons to run from the first Saturday of August to August 31, increase the daily bag limit to 15, add those portions west of the Cheyenne River in Pennington County to the areas open to hunting, allow use of unplugged shotguns, and modify the shooting hours to end one-half hour after sunset; establish the number and types of resident and nonresident licenses available during the Black Hills Deer Hunting Season which will include offering residents and nonresidents fewer "antlerless whitetail deer" licenses than 2012; establish the number and types of resident and nonresident licenses available during the West River Prairie Deer Season; establish the number and types of licenses available for the East River Deer Hunting Season; provide that only unfilled "any antlerless deer" licenses are valid from January 1 to January 15, add Bon Homme, Charles Mix, Clay, Codington, Douglas, Grant, Hutchinson, Lincoln, Turner, Union, and Yankton counties to the area where "any antlerless deer" licenses are not valid, change all references to "Blood Run Nature Area" to "Good Earth State Park", reduce the number of "any antlerless deer" archery access permits for the Adams Homestead and Nature Preserve and Good Earth State Park, and increase the number of "any deer" archery access permits for the Adams Homestead and Nature Preserve; adjust the hunting start date for Unit RFD-SL1 within the National Wildlife Refuge Deer Hunting Season from the Saturday before the East River Deer Hunting Season to the second Saturday of November, adjust the start dates for all other Sand Lake Units accordingly, provide that only unfilled Sand Lake "antlerless deer" licenses are valid</p>
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6-6-2013	Department of Agriculture: Agricultural Services	Adopt rules to require additional labeling and animal health requirements to dairy producers selling bottled raw milk direct to the consumer; 39 SDR 192.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Monday, May 20, 2013, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: June 4, July 9, August 20, September 17, November 12, and December 17.

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>.