

REGISTER



South Dakota Legislative Research Council

Volume 35

Monday, 8:00 a.m., May 18, 2009

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

South Dakota Investment Council: (May 13, 2009) intends to amend rules to remove the requirement that the investment council establish at a specific council meeting the date and time for setting the rate for the certificate of deposit program. The general authority for these rules, as cited by the council, is SDCL 4-5-28.

A public hearing will be held at the office of the South Dakota Investment Council, 4009 West 49th Street, Suite 300a, Sioux Falls, South Dakota, on June 22, 2009, at 3:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Investment Council, 4009 West 49th Street, Suite 300, Sioux Falls, South Dakota 57106-3784. Material sent by mail must reach the Investment Council by June 15, 2009, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the council can make arrangements are asked to call (605) 362-2820 at least forty-eight hours before the hearing.

Department of Game, Fish and Parks: (May 13, 2009) intends to amend License Forms and Fees to add language to the existing rule to specify that a license or tag that has been replaced by reason of having been lost or destroyed becomes invalid once a replacement license or tag has been issued; amend Fall Wild Turkey Hunting Season rules to establish season dates, shooting hours, open units, requirements and restrictions; establish the number and types of licenses available which will include an increase of 1,000 resident and 80 nonresident

one-tag "any turkey" licenses in the Black Hills Unit; offer 190 fewer resident one-tag and 3,520 fewer resident two-tag "any turkey" licenses, and 8 fewer nonresident one-tag and 274 fewer nonresident two-tag licenses in the Prairie Units; create a new unit in western South Dakota that consolidates all west river prairie units except Stanley County into one unit where an unlimited number of two-tag licenses are available to residents and nonresidents; and restrict turkey hunters to no more than a total of five (5) fall turkey licenses; amend Black Hills Deer Hunting Season rules to establish season dates, shooting hours, open units, and requirements and restrictions; establish the number and types of resident and nonresident licenses available which will include offering residents 500 fewer and nonresidents 40 fewer "any whitetail deer" licenses, and offer residents 750 fewer and nonresidents 60 fewer "anterless whitetail deer" licenses; amend West River Prairie Deer Season rules to establish season dates, shooting hours, open units, requirements and restrictions; establish the number and types of resident and nonresident licenses/tags available which will include adjusting resident license numbers by decreasing resident one-tag licenses by 2,050, resident two-tag licenses by 11,330, and increasing resident three-tag licenses by 12,740, adjusting nonresident license numbers by decreasing nonresident one-tag licenses by 164, nonresident two-tag licenses by 907, and increasing nonresident three-tag licenses by 1,020, create and establish the cost for four new resident and nonresident license types that would be valid for (a) one "any deer" and two (2) "any anterless deer," (b) three (3) "any anterless deer," (c) one "any whitetail deer" and two (2) "anterless whitetail deer," and (d) three (3) "anterless whitetail deer;" modify the season

starting date to begin two Saturdays before Thanksgiving; eliminate the 7-day anterless extension following the 16-day regular season, and adjust the 9-day anterless extension to begin the Saturday after Christmas; and combine Tripp County Units 60A and 60B into one Unit 60A; and amend a Mountain Lion Hunting Season rule to establish season dates, open area, requirements and restrictions, number of resident licenses available; and retain the total mountain lion harvest limit at 35 but increase the female harvest limit from 15 to 20. 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, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Best Western/Kelly Inn, 1607 E. Hwy. 50, Yankton, South Dakota, on June 4, 2009, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, 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 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 e-mail to chuck.schlueter@state.sd.us. All written and 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.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Twyla Fritz, Black Hawk, was appointed on May 7, 2009, to the **Board of Massage Therapy**, to replace Tom Charron, effective May 6, 2009, and shall continue until June 30, 2010.

Bill Stahl, Onida, was reappointed on May 7, 2009, to the **Law Enforcement Civil Service Commission**, effective immediately and shall continue until April 22, 2013.

Executive Order:

The Governor has signed **Executive Order 2009-06** dated May 13, 2009, which authorizes the South Dakota Division of Wildland Fire Suppression to augment all of its firefighting response efforts throughout the state with the available assets of the South Dakota National Guard during and following an initial attack on any of the wildfires in which the division responds during the 2009 fire season (April 1 through October 31).

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

5-19-2009	Public Safety: Driver Licensing	Amend rules to revise the definitions of terms; clarify documents required for issuance of a first-time driver license or identification card; clarify documents required for issuance to an applicant holding an out-of-state license or
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		<p>identification card; clarify documents required for an applicant holding a South Dakota identification card; clarify a reference to fraudulent documents to reflect changed definition of terms; revise the fee for a prorated driver license for those under twenty-one years of age; revise existing guidelines regarding commercial driver licenses to reflect adoption of current federal regulations; revise certain commercial vehicle criteria to reflect current standards; and revise the seasonal commercial driver license rule to allow for issuance during two ninety day periods within a calendar year; 35 SDR 252.</p>
5-27-2009	Environment and Natural Resources: Board of Water and Natural Resources	<p>Adopt rules to establish a system for awarding funding provided to the State Revolving Fund programs by the American Recovery and Reinvestment Act of 2009, to allow the waiver of a financial status summary for certain applications, and to modify the deadline for forfeiture of principal forgiveness; 35 SDR 261.</p>
5-28-2009	Transportation	<p>Amend a speed zone in Beadle County on State Trunk Highway 28 in the City of Hitchcock to reduce the speed limits on a segment of highway near the east edge of the city; amend a speed zone in Buffalo County in the City of Fort Thompson to provide for a reduced speed limit along South Dakota Highway 47 southwest of the junction with South Dakota Highway 249; amend a speed zone in Buffalo County in the City of Fort Thompson to correct the highway number and to clarify the rule; amend a speed zone in Buffalo County at the City of Fort Thompson to provide for a reduced speed limit along South Dakota Highway 34 north of the junction with State Highway 47; amend a speed zone in Buffalo County in the City of Fort Thompson to provide for a reduced speed limit along South Dakota Highway 249 northeast of the junction with South Dakota Highway 47; amend a speed zone in Walworth County on US Highway 12 in the City of Mobridge to reduce the speed limits on a segment of highway near the business section of town; and amend a speed zone in Todd County on US Highway 18 and US Highway</p>

		<p>83 in the City of Mission to reduce the speed limits on a segment of highway at the west edge of town; 35 SDR 261.</p>
<p>6-3-2009</p>	<p>Revenue and Regulation: Gaming Commission</p>	<p>Amend a Racing rule to substitute the generic name for the brand name of authorized drugs; amend Gaming rules to create a modification for three-card poker allowing a progressive wager and progressive payout; adopt a variation of poker known as Mississippi Stud; adopt a variation of poker known as Ultimate Texas Hold'em; accommodate new nomenclature for receipts, vouchers and coupons as utilized in slot machines; accommodate new nomenclature for vouchers; eliminate the requirement for hard meters and to define the time required for meter preservation after power is removed from a slot machine and to utilize industry standards of nomenclature relating to vouchers, receipts and coupons; update current game recall standards to accommodate a greater level of game recall; utilize new nomenclature for vouchers, coupons and receipts; update error messages to more clearly display situations when the stacker is full; clarify that if hoppers are utilized, that they must meet the specification requirements; utilize new nomenclature for vouchers, receipts and coupons; repeal slot machine specifications for bill hoppers; accommodate slight variances in progressive odds for software with different maximum bet amounts on the same link; utilize new nomenclature for vouchers, receipts, coupons and off-line vouchers; define cashless systems for slot machines; create phases of certification for cashless systems; provide for the regulation and requirements of cashless slot machine environments; create standards regarding configuration of cashless features; provide audit trails for cashless transactions; provide for meter requirements and standards in cashless slot machines; provide for confirmation of all cashless transactions; identify error conditions that apply in cashless slot machine systems; provide standards for notifying patrons when transactions would exceed game configured limits; provide for identification of cashless</p>

		<p>compatible machines; provide for rules relating to changing of associated parameters in a cashless system or accessing patron accounts; provide for requirements in the modification of patron information; provide for requirements regarding adjustments to account balances; set forth security levels relating to user roles; create minimal controls to prevent unauthorized transactions; provide that any testing or test accounts must be logged by the system; allow for smart card technology; set forth procedures when communication between cashless accounting systems and slot machines are lost; require that the communication relating to cashless operations must utilize encryption; create requirements for logs on pending and completing cashless transactions; require systems to produce various financial and player reports; set forth requirements for monetary transactions between a supporting gaming machine and a cashless host; set forth standards for adding money to a player's account; provide for standards for removal of money from a player's account; provide for the option of moving money from a player's system credits to slot machines and moving money from slot machines into players' accounts; set forth standards for issuing personal identification numbers to patrons; set forth standards for account balance information; create requirements and standards for independent integrity checks of all components within a cashless system; recognize that associated equipment includes monitoring and control systems for promotional, bonusing and cashless systems; and require slot machines utilized in promotional systems to display information relating to the nature of the transaction; 35 SDR 269.</p>
<p>6-4-2009</p>	<p>Labor: South Dakota Retirement System</p>	<p>Amend rules to repeal a rule made unnecessary by 2009 legislation related to purchase of nonqualified permissive service credit; to clarify agency procedures related to service calculations and benefit eligibility determinations; to establish agency procedures in regard to retired members who return to employment with the same employer; to</p>

		<p>conform a rule to a statute regarding credited service during a period of disability; to amend a Board of Trustees election date and election procedures; to establish agency procedures in regard to member repayment of overpayments; and to specify member participation in the South Dakota Deferred Compensation Plan when the member receives an unforeseeable emergency distribution; 35 SDR 262.</p>
<p>6-4-2009</p>	<p>Game, Fish and Parks</p>	<p>Amend License Forms and Fees to add language to the existing rule to specify that a license or tag that has been replaced by reason of having been lost or destroyed becomes invalid once a replacement license or tag has been issued; amend Fall Wild Turkey Hunting Season rules to establish season dates, shooting hours, open units, requirements and restrictions; establish the number and types of licenses available which will include an increase of 1,000 resident and 80 nonresident one-tag "any turkey" licenses in the Black Hills Unit; offer 190 fewer resident one-tag and 3,520 fewer resident two-tag "any turkey" licenses, and 8 fewer nonresident one-tag and 274 fewer nonresident two-tag licenses in the Prairie Units; create a new unit in western South Dakota that consolidates all west river prairie units except Stanley County into one unit where an unlimited number of two-tag licenses are available to residents and nonresidents; and restrict turkey hunters to no more than a total of five (5) fall turkey licenses; amend Black Hills Deer Hunting Season rules to establish season dates, shooting hours, open units, and requirements and restrictions; establish the number and types of resident and nonresident licenses available which will include offering residents 500 fewer and nonresidents 40 fewer "any whitetail deer" licenses, and offer residents 750 fewer and nonresidents 60 fewer "anterless whitetail deer" licenses; amend West River Prairie Deer Season rules to establish season dates, shooting hours, open units, requirements and restrictions; establish the number and types of resident and nonresident licenses/tags available which will include adjusting resident license numbers by decreasing resident one-tag</p>

		licenses by 2,050, resident two-tag licenses by 11,330, and increasing resident three-tag licenses by 12,740, adjusting nonresident license numbers by decreasing nonresident one-tag licenses by 164, nonresident two-tag licenses by 907, and increasing nonresident three-tag licenses by 1,020, create and establish the cost for four new resident and nonresident license types that would be valid for (a) one "any deer" and two (2) "any antlerless deer," (b) three (3) "any antlerless deer," (c) one "any whitetail deer" and two (2) "antlerless whitetail deer," and (d) three (3) "antlerless whitetail deer;" modify the season starting date to begin two Saturdays before Thanksgiving; eliminate the 7-day antlerless extension following the 16-day regular season, and adjust the 9-day antlerless extension to begin the Saturday after Christmas; and combine Tripp County Units 60A and 60B into one Unit 60A; and amend a Mountain Lion Hunting Season rule to establish season dates, open area, requirements and restrictions, number of resident licenses available; and retain the total mountain lion harvest limit at 35 but increase the female harvest limit from 15 to 20; 35 SDR 277.
6-22-2009	Treasurer: Investment Council	Amend rules to remove the requirement that the investment council establish at a specific council meeting the date and time for setting the rate for the certificate of deposit program; 35 SDR 277.
7-16-2009	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2007 through June 30, 2008. Changes include amending existing requirements for recycling; clarification of compliance monitoring requirements for hazardous waste combustion operations; and amending requirements for the management of wastewater treatment sludges generated by automobile assembly operations; 35 SDR 352.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will hold a special telephonic conference call meeting on Wednesday, May 20, 2009, to hear rules from the Department of Revenue and Regulation: Banking Commission.

The next regularly scheduled meeting of the Interim Rules Review Committee will be held Tuesday, June 9, 2009, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – Northern State University, 1200 S. Jay Street, Room Lib118; Huron – Department of Transportation, 901 Dakota St.; Mitchell – Mitchell Technical Institute, 1800 E. Spruce, Room TC156; Rapid City – South Dakota School of Mines and Technology, 501 E. St. Joseph St., Room CB108; and Sioux Falls – Sioux Falls University Center, 2205 Career Ave., Room 282S. The committee chair has set the following tentative meeting schedule for the 2009 interim: July 28, September 1, October 6, November 18, and December 15.

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>.