

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., May 18, 2015

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

Secretary of State: Board of Elections:

(May 12, 2015) intends to amend rules to provide additional instructions to voters on how to mark an optical scan ballot, allow the person in charge of the election to determine where the ballot stamp watermark is placed on the ballot, add residence address including city and zip code to the nominating petition for school board candidates, add city and zip code to the municipal candidate nominating petition, add aldermanic as a type of a municipal government that can increase or decrease the number of wards on the petition form, add a notation to the general authority section to the administrative rule for approving electronic ballot marking systems, clarify what ballots can be requested on the absentee ballot application and what ballots can be requested to be emailed to military and overseas voters on the absentee ballot application, clarify who a recount petition is filed with, and repeal a notice of cancellation of election that is not required by statute. The general authority for these rules, as cited by the board, is SDCL §§ 12-1-9, 12-17B-17, and 12-19-2.

A public hearing will be held at the SD Association of County Officials Building, 211 East Prospect, Pierre, South Dakota, on June 4, 2015, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, Elections Department, 500 East Capitol, Suite 204, Pierre, South Dakota 57501. Copies are also available at <https://sdsos.gov/about-the-office/board-of->

[elections/default.aspx](#). Written comments must be received on or before June 3, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

Department of Game, Fish, and Parks:

(May 14, 2015) intends to amend a Motorboats and Watercraft rule to exempt law enforcement officers from boat lighting requirements if certain criteria are met; amend an Application for License rule to require any resident or nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in Newton Hills State Park; amend Waterfowl Hunting Seasons (Nonresident waterfowl licenses), License Forms and Fees, and Youth Waterfowl Hunting Season rules to adopt recommendations of the Nonresident Waterfowl Work Group that would change units and license allocations and establish the fee for a nonresident youth (under 16 years of age) waterfowl license at \$10, and remove the allowances for unsold nonresident waterfowl licenses to be transferred between units; repeal a Waterfowl Hunting Seasons (Special Canada Goose Hunting Season) rule that established the special Canada goose hunting unit and place Bennett County into Unit 2 of the regular goose hunting season; amend a Black Hills Deer Hunting Season rule to increase the number of resident and nonresident "Any Whitetail" deer licenses; amend West River Prairie Deer Season rules to establish the number and types of resident and nonresident licenses/tags available, adjust season dates, change the county designation for Unit WRD-65A from Shannon County to Oglala

Lakota County, and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days; amend East River Deer Hunting Season rules to establish the number and types of licenses available, establish Unit ERD-07B as an antlerless deer unit within Yankton County described as that portion of Yankton County south of SD Highway 50 and west of US Highway 81, and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days; amend Archery Deer Hunting Season rules to provide an exception in Unit ARD-LM1 that would allow archery hunters possessing an access permit to archery hunt in Adams Homestead and Nature Preserve Area and increase the number of "antlerless whitetail deer" archery access permits; amend National Wildlife Refuge Deer Hunting Season rules to open Unit RFD-SL4 and adjust the "any deer" and "any antlerless deer" licenses for Sand Lake National Wildlife Refuge and adjust the season dates for Waubay National Wildlife Refuge; and amend a Persons with Disabilities rule to allow telescopic sights and lighted sight pins to be used by crossbow permittees. The general authority for these rules, as cited by the department, is SDCL §§ 32-3A-1, 41-2-18, 41-6-10, 41-6-18, 41-6-21, 41-6-18.2, 41-6-18.4, 41-6-19.6, 41-8-31, 41-11-5, 41-17-1.1.

A public hearing will be held at the Ramkota RiverCenter, 920 West Sioux Avenue, Pierre, South Dakota, on June 4, 2015, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. 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 either wildinfo@state.sd.us or gfpadminrules@state.sd.us. All written and email comments must include the commenter's name, home town/city, and state. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Laurie Brandner, Pierre, was appointed on April 24, 2015, to the **Cosmetology Commission**, effective immediately and shall continue until April 15, 2018.

Randy Schaefer, Madison, was reappointed on April 24, 2015, to the **State Board of Regents**, effective immediately and shall continue until March 31, 2021.

Kevin Schieffer, Sioux Falls, was reappointed on April 24, 2015, to the **State Board of Regents**, effective immediately and shall continue until March 31, 2021.

Gregory N. Wick, Rapid City, was reappointed on April 29, 2015, to the **Abstracters' Board of Examiners**, effective immediately and shall continue until April 1, 2018.

Eric Abrahamson, Rapid City, was appointed on May 6, 2015, to the **South Dakota Humanities Council**, to replace Feruzeh (Fee) Jacobsen, effective immediately.

Crystal Carlson, Beresford, was appointed on May 6, 2015, to the **Cosmetology Commission**,

to replace Nora Slykhuis, effective immediately and shall continue until April 15, 2018.

Molly Hall-Martin, Pierre, was appointed on May 6, 2015, to the **Hagen-Harvey Memorial Scholarship Board**, to replace Clinton Waara, effective immediately and shall continue until July 1, 2017.

Katie Hunhoff, Yankton, was appointed on May 6, 2015, to the **South Dakota Humanities Council**, to replace Rebecca A. Schenk, effective immediately.

Ralph J. Marquardt, Yankton, was reappointed on May 6, 2015, to the **Transportation Commission**, effective immediately and shall continue until April 18, 2019.

Kyle White, Rapid City, was appointed on May 6, 2015, to the **Transportation Commission**, to replace Ed Seljeskog, effective June 15, 2015, and shall continue until April 18, 2019.

Sarah Dahlin Jennings, Sioux Falls, was appointed on May 7, 2015, to the **Elder Abuse Task Force**, effective immediately and shall continue until January 1, 2016.

Jennifer Murray, Spearfish, was appointed on May 7, 2015, to the **Elder Abuse Task Force**, effective immediately and shall continue until January 1, 2016.

Scott Fiegen, Dell Rapids, District 25, was appointed on May 8, 2015, to the **South Dakota Senate**, to replace Senator Tim Rave who resigned, effective immediately.

Robert Kean, Pierre, was appointed on May 8, 2015, to the **Elder Abuse Task Force**, effective immediately and shall continue until January 1, 2016.

Carmen A. Means, Codington County, was appointed on May 8, 2015, as **Judge of the Third Judicial Circuit Court of South Dakota**, effective June 8, 2015, upon taking the oath of office and shall continue until December 31, 2022.

Executive Order:

The Governor has signed **Executive Order 2015-08**, dated May 10, 2015. This order declares an emergency due to the diverse severe storms beginning on May 9, 2015, with heavy snowfall in western South Dakota and a severe weather outbreak in eastern South Dakota beginning on May 10, 2015. Under the authority of the Emergency Management law, the Governor has made the resources of state government available to support local government efforts in the protection of lives and property in the affected counties. The resources will be utilized under the coordination of the Department of Public Safety, Office of Emergency Management.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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

5-20-2015	Agriculture: State Fair	Amend a rule to increase the gate admission, parking, camping and vehicles fees; 41 SDR 180, May 4, 2015.
-----------	-------------------------	---

5-20-2015	Health: Division of Health Systems Development and Regulation	Amend Article 44:05 – Ambulance Operation rules to reflect the reorganization of the Office of Emergency Medical Services to the Department of Health; 41 SDR 171, April 27, 2015.
5-22-2015	Agriculture: Division of Agricultural Services	Amend rules to alter requirements for producers wishing to sell raw milk for human consumption and to modify standards for raw milk for human consumption; 41 SDR 179, May 4, 2015.
5-28-2015	Tourism: State Historical Society	Amend rules to increase the membership fees for the State Historical Society; increase fees at the State Archives for microfilm production and add fees for new services of digital camera use and microfiche scanning; and amend fees charged by the Archaeological Research Center for its services regarding curation, permits, and data services, and remove fees charged for certain other services; 41 SDR 137, March 2, 2015.
5-28-2015	Transportation	Amend Speed Limits rules to create a 75 mph limited speed zone on Interstate Highway 90 beginning at the Wyoming border then east to milepost 55.02; change the effective beginning date for a temporary 65 mph limited speed zone on Interstate Highway 90 near Sturgis between milepost 28.9 and 33.75 from August 1 of each year to July 24; for the 2015 Rally only, extend the length of the temporary 65 mph limited speed zone on Interstate Highway 90 further to the east from milepost 28.9 to milepost 55.02 from July 24, 2015, until August 10, 2015; in Meade County change the effective beginning date for a temporary 35 mph from Blanche Street easterly for 3.8 miles from August 1 of each year to July 24 of each year and change the effective beginning date for a temporary 45 mph limited speed zone on SD Highway 79 from its junction with SD Highway 34, then 1.5 miles north from August 1 of each year to July 24 of each year; and in Lyman County change a 55 mph limited speed zone on State Highway 273 beginning at its junction with Interstate Highway 90 then north for 1.03 miles to 35 mph, then north for an additional 0.2 miles to 45 mph through Kennebec; 41 SDR 172; April 27, 2015.

6-1-2015	Health: Division of Health and Medical Services	Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel; 41 SDR 179, May 4, 2015.
6-4-2015	Game, Fish and Parks	Amend a Motorboats and Watercraft rule to exempt law enforcement officers from boat lighting requirements if certain criteria are met; amend an Application for License rule to require any resident or nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in Newton Hills State Park; amend Waterfowl Hunting Seasons (Nonresident waterfowl licenses), License Forms and Fees, and Youth Waterfowl Hunting Season rules to adopt recommendations of the Nonresident Waterfowl Work Group that would change units and license allocations and establish the fee for a nonresident youth (under 16 years of age) waterfowl license at \$10, and remove the allowances for unsold nonresident waterfowl licenses to be transferred between units; repeal a Waterfowl Hunting Seasons (Special Canada Goose Hunting Season) rule that established the special Canada goose hunting unit and place Bennett County into Unit 2 of the regular goose hunting season; amend a Black Hills Deer Hunting Season rule to increase the number of resident and nonresident "Any Whitetail" deer licenses; amend West River Prairie Deer Season rules to establish the number and types of resident and nonresident licenses/tags available, adjust season dates, change the county designation for Unit WRD-65A from Shannon County to Oglala Lakota County, and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days; amend East River Deer Hunting Season rules to establish the number and types of licenses available, establish Unit ERD-07B as an antlerless deer unit within Yankton County described as that portion of Yankton County south of SD Highway 50 and west of US Highway 81, and eliminate the opportunity to hunt antlerless deer during the 9 days which

		<p>begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days; amend Archery Deer Hunting Season rules to provide an exception in Unit ARD-LM1 that would allow archery hunters possessing an access permit to archery hunt in Adams Homestead and Nature Preserve Area and increase the number of "antlerless whitetail deer" archery access permits; amend National Wildlife Refuge Deer Hunting Season rules to open Unit RFD-SL4 and adjust the "any deer" and "any antlerless deer" licenses for Sand Lake National Wildlife Refuge and adjust the season dates for Waubay National Wildlife Refuge; and amend a Persons with Disabilities rule to allow telescopic sights and lighted sight pins to be used by crossbow permittees; 41 SDR 193, May 18, 2015.</p>
<p>6-4-2015</p>	<p>Labor and Regulation: SD Retirement System</p>	<p>Amend rules to revise definitions and conditions for distribution for the deferred compensation plan and to add an automatic escalation feature to the automatic enrollment provisions of the deferred compensation plan; 41 SDR 187, May 11, 2015.</p>
<p>6-4-2015</p>	<p>Secretary of State: Board of Elections</p>	<p>Amend rules to provide additional instructions to voters on how to mark an optical scan ballot, allow the person in charge of the election to determine where the ballot stamp watermark is placed on the ballot, add residence address including city and zip code to the nominating petition for school board candidates, add city and zip code to the municipal candidate nominating petition, add aldermanic as a type of a municipal government that can increase or decrease the number of wards on the petition form, add a notation to the general authority section to the administrative rule for approving electronic ballot marking systems, clarify what ballots can be requested on the absentee ballot application and what ballots can be requested to be emailed to military and overseas voters on the absentee ballot application, clarify who a recount petition is filed with, and repeal a notice of cancellation of election that is not required by statute; 41 SDR 193.</p>

6-12-2015	Health: Board of Pharmacy	Amend rules to establish the ability of pharmacies to increase the technician to pharmacist ratio; 41 SDR 179, May 4, 2015.
6-19-2015	Health: Board of Dentistry	Amend rules to change the name Advanced Dental Assistant to Registered Dental Assistant and update the definition to maintain consistency with state law; 41 SDR 180, May 4, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, June 8, 2015, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: July 20, August 17, September 21, November 9, and December 14.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

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 41 are \$25. 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 LRC website: <http://legis.sd.gov>. You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.
