

REGISTER

South Dakota Legislative Research Council



Volume 32

Monday, 8:00 a.m., May 22, 2006

NOTICES OF PROPOSED RULES: (None)

Filed: May 16, 2006
Effective: June 5, 2006

FILINGS IN THE SECRETARY OF STATES OFFICE:

DEPARTMENT OF LABOR: SOUTH DAKOTA RETIREMENT SYSTEM:

62:01:02:05; 62:01:04:09.01, 62:01:04:11.01, 62:01:04:13; 62:01:05:12; and 62:01:07:06 to 62:01:07:08, inclusive.

History-Notice: 32 SDR 153, March 13, 2006
Hearing: April 5, 2006
Filed: May 16, 2006
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DEPARTMENT OF GAME, FISH AND

PARKS: 41:06:01:10; 41:06:02:03; 41:06:08:01; 41:06:08:03; 41:06:09:01; 41:06:09:04; 41:06:12:01; 41:06:12:03; 41:06:26:02; 41:06:29:01; 41:06:34:01; 41:06:34:02; 41:06:34:03; 41:06:34:04; 41:06:40:01; 41:06:41:02; 41:06:43:02; 41:06:56:01; 41:06:58:03; 41:06:59:02; 41:09:13:01.01; 41:09:13:01.02; 41:09:13:01.03; and 41:09:13:14.

History-Notice: 32 SDR 157, March 20, 2006
Hearing: April 6-7, 2006
Filed: May 16, 2006
Effective: June 5, 2006

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF

INSURANCE: 20:06:06:11; 20:06:06 Appendix A and Appendix B; 20:06:18:09; 20:06:21:01.03, 20:06:21:01.05; 20:06:48:15, and 20:06:48:19.

History-Notice: 32 SDR 158, March 20, 2006
Hearing: April 20, 2006

DEPARTMENT OF AGRICULTURE:

12:05:01:01; 12:05:14:01, 12:05:14:02, 12:05:14:03; 12:11:01:01, 12:11:01:01.01, 12:11:01:01.03, 12:11:01:02, 12:11:01:03, 12:11:01:04; 12:11:02:09, 12:11:02:11, 12:11:02:12, 12:11:02:13, 12:11:02:17, 12:11:02:21; 12:11:03:01, 12:11:03:04; 12:17:01:01; 12:17:02:15; 12:17:03:01, 12:17:03:04, 12:17:03:10, 12:17:03:22; 12:17:04:16; 12:17:05:02, 12:17:05:03; 12:17:06:03; and 12:17:07:01.

History-Notice: 32 SDR 150, March 6, 2006
Hearing: April 12, 2006
Filed: May 17, 2006
Effective: June 6, 2006

Executive Appointments:

Pete Bolzer, Brookings, was appointed on May 15, 2006, to the **State Electrical Commission**, to replace Francis Wingert, effective immediately and shall continue until April 14, 2007.

Richard Dickey, Sioux Falls, was appointed on May 15, 2006, to the **Law Enforcement Civil Service Commission**, to replace Terry Satterlee, effective immediately and shall continue until April 22, 2010.

Rol Kebach, Pierre, was reappointed on May 15, 2006, to the **Law Enforcement Civil Service Commission**, effective immediately and shall continue until April 22, 2010.

Sam Tidball, Ft. Pierre, was reappointed on May 15, 2006, to the **Transportation**

Commission, effective immediately and shall continue until April 18, 2010.

Robert Riter, Pierre, was appointed on May 16, 2006, to the **Unemployment Insurance Advisory Council**, to replace Jerry Wheeler, effective May 15, 2006.

Robert Fouberg, Aberdeen, was appointed on May 17, 2006, to the **South Dakota Development Corporation**, to replace Theodore Blakey, effective immediately.

Tina Van Camp, Pierre, was appointed on May 17, 2006, to the **South Dakota Development Corporation**, to replace Mary Loucks, effective immediately.

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

5-24-2006	Labor: Public Utilities Commission	Amend rules to set forth the requirements for telecommunications carriers to be designated as eligible telecommunications carriers (ETCs). Carriers designated as ETCs are eligible to receive federal high cost support in order to provide basic telephone services in their service areas. In addition, the proposed rule changes set forth the requirements for carriers previously designated as ETCs to obtain the certification necessary to continue to receive federal high-cost support; 32 SDR 187.
5-25-2006	Revenue and Regulation: Division of Insurance	Amend rules to clarify that certain guarantee issue standards only apply to coverages written before August 1, 2003, and repeal other rules; and to establish permissible policy language and disclosure forms; 32 SDR 190.
5-25-2006	Transportation	Amend a rule to extend the reduced speed limits farther to the north in Codington County on US Highway 81 at the north end of the City of Watertown; 32 SDR 191.
5-31-2006	Health: Board of Examiners in Optometry	Amend rules to set out specific standards to ensure competency of applicants for licensure by endorsement; increase by \$50 the annual renewal fee; to provide for a listing of procedures approved as within the scope of practice of optometry; and to set specific standards to ensure competency of certain licensees seeking renewal of license; 32 SDR 195.
6-1-2006	Game, Fish and Parks	Amend rules to provide a licensing procedure for issuance of a preference point in a big game hunting season (other than elk, big horn

		<p>sheep, or mountain goat) and establish the applicable fee therefore by license application for a hunting Unit for which no licenses are to be issued and authorize the Secretary to limit the sale of big game hunting licenses remaining unsold in specific Units after a second lottery under certain conditions and circumstances; amend the Black Hills Deer Hunting Season by modifying the types of deer that may be taken during the hunting season and applicable Units, establishing the number and types of licenses available in the applicable hunting Units, removing certain restrictions limiting the number of licenses that a person may acquire, modify certain hunting Unit boundaries, and adding a hunting Unit and establishing the number of licenses that are available for purposes of acquiring a preference point; amend West River Deer Hunting Season by establishing the number/types of resident and nonresident hunting licenses/tags available in the applicable modified, consolidated, and existing hunting Units, make modifications to the hunting season dates and extensions thereof in certain hunting Units, modifying the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establishing certain requirements, validity of licenses, and types of deer that may be taken, repealing the provision requiring issuance of "buck licenses to land occupant preference applicants if the number of applications does not exceed the number of "buck" licenses available in a Unit, modify the Unit boundary for Unit 21B (Custer County), and adding a hunting Unit and establishing the number of licenses that are available for the purpose of acquiring a preference point; amend National Wildlife Refuge Deer Hunting Season by repealing all provisions relating to the youth hunter Unit (Unit RFD-SL1) and number of licenses which are available at Sand Lake National Wildlife Refuge and add a hunting Unit and establish the number of licenses that are available for the purpose of acquiring a preference point; amend Fall Wild Turkey Hunting Season by establishing the</p>
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		<p>number/types of resident and nonresident hunting licenses/tags available in the applicable modified, consolidated, and existing hunting Unit, make modifications to the hunting season dates in certain hunting Units, permit hunters to acquire more than 1 license in the Black Hills Unit, add new Units in Minnehaha and Davison/Hanson Counties as shotgun or archery only hunting Units, expand Unit 17A (Charles Mix County) to also include Douglas County, combine Units 48A (Marshall County and portions of Day County, Unit 55A (Roberts County), and Unit 29A (northern Grant County) with the rest of Day County and all of Codington County to make 1 shotgun or archery only Unit and modify certain boundaries to this hunting Unit, and add a hunting Unit and establish the number of licenses that are available for the purpose of acquiring a preference point; amend General Provisions (Fishing Seasons and Methods) by defining "legal crossbow" to correspond with a change permitting it to be used in the taking of rough fish in certain inland waters in conformity with 2006 Legislation; amend Spearing by permitting the use of a legal crossbow for the spearing of rough fish in certain inland waters and make corresponding changes, revisions, and restrictions to several other sections relative to spearing, use of crossbow, and other fishing implements in certain waters of the state; amend Bait and Biological Specimens by authorizing the Secretary to impose certain restrictions in the permit granted to a licensed resident wholesale bait dealer who commercially sells snapping turtles and western painted turtles; and amend Mountain Lion Hunting Season by modifying the dates for the hunting season and establishing the harvest limits for certain mountain lions and the restrictions/prohibitions applicable to harvesting of mountain lions in certain areas and under certain circumstances; 32 SDR 196.</p>
6-2-2006	Agriculture: Agricultural Development	<p>Update the South Dakota Certified™ rules including: provide an exception for the enrollment of 2005 and 2006 cattle; change the license fee for processors/marketers from</p>

		\$300/year to an annual fee of \$100/year and add a \$1 per animal processing fee; add a \$.50 transfer fee for each enrolled animal; provide the authority to the Secretary for denial of license; and update the feed requirements; 32 SDR 195.
6-9-2006	Revenue and Regulation: Appraiser Certification Program	Amend rules to remove contradictory language regarding the accumulation of appraisal experience, correct a typographical error, and adopt the most recent edition of the uniform standards.; 32 SDR 196.
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.
7-29-2006	Military and Veteran Affairs	Amend rules to allow the Secretary of DMVA to authorize couples where one is ambulatory and one is in a wheel chair, and allows applicants who utilize electric wheel chairs but have ability to take care of their own needs; amend the reapplication procedure for an individual who wants to be readmitted; amend rules to reflect current chain of command; establishes clearer sign out policy, when leaving the campus grounds; changes how sponsors/residents must arrange for meal tickets and use of the guest house or guest room; allow the superintendent to extend use of the guest house or guest room for residents family members if needed and to allow the guest house use for staff who have an emergency situation; clarify existing rules and allow superintendent more latitude in meeting the needs of all residents including those that have refrigerators, entertainment centers and computers; eliminates rule which no longer meets present day residents' needs and changes wording within the rule to reflect present administration chain of command; allow for a more reasonable time and way to handle AWOL; and to better explain how maintenance rent fees are calculated and applied; 32 SDR 195.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 13, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: 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.