

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Tuesday, 8:00 a.m., May 26, 2015

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

**Department of Labor and Regulation: Division of Unemployment Insurance:** (May 20, 2015) intends to adopt a rule to authorize the use of the Treasury Offset Program (TOP) to collect delinquent covered unemployment compensation (UC) debt from employers. The general authority for this rule, as cited by the department, is SDCL § 61-5-35.

A public hearing will be held at the Aberdeen Administrative Office, 420 S. Roosevelt St., Aberdeen, South Dakota, on June 23, 2015, at 1:30 p.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the Department of Labor and Regulation, Attn: Pauline Heier, P.O. Box 4730, Aberdeen, South Dakota 57402-4730. Written comments must be received by the Department of Labor and Regulation by July 3, 2015, 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) 626-2310 at least 48 hours before the hearing.

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

#### Executive Appointments:

**Timothy S. McIntyre**, Webster, was reappointed on May 18, 2015, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2018.

**Daryl (KC) Russell**, Aberdeen, was reappointed on May 18, 2015, to the **Hagen-Harvey Memorial Scholarship Board**, effective July 2, 2015, and shall continue until July 1, 2018.

**Russell Vanderwerff**, Sioux Falls, was appointed on May 18, 2015, to the **State Electrical Commission**, to replace Cameron Becker, effective immediately and shall continue until April 14, 2018.

#### Legislative Appointments:

**Pam Lynde**, Clear Lake, was reappointed on May 21, 2015, to the **Board of Elections**, effective immediately and shall continue until January 31, 2019.

**Linda Lea Viken**, Rapid City, was reappointed on May 21, 2015, to the **Board of Elections**, effective immediately and shall continue until January 31, 2019.

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**

5-28-2015	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

		<p>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</p>
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		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.
6-4-2015	Labor and Regulation: SD Retirement System	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.
6-4-2015	Secretary of State: Board of Elections	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.
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.

6-23-2015	Labor and Regulation: Division of Unemployment Insurance	Adopt a rule to authorize the use of the Treasury Offset Program (TOP) to collect delinquent covered unemployment compensation (UC) debt from employers; 41 SDR 201, May 26, 2015.
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### **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>.

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