

REGISTER



South Dakota Legislative Research Council

Volume 37

Tuesday, 8:00 a.m., May 31, 2011

NOTICES OF PROPOSED RULES: (None)

NOTICE:

The **South Dakota Lottery** is ending instant ticket game numbers 379 - Crossword Crunch, 381 - Holiday Wishes, and 387 - Jingle Jumbo Bucks. The last day that prizes will be paid for the games is November 5, 2011.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Melody Schopp, Meadow, was appointed on May 11, 2011, to the position of **Secretary of the Department of Education**, effective April 9, 2011.

Scott L. Rank, Pierre, was appointed on May 23, 2011, to the **Board of Barber Examiners**, to replace Royce Loesch, effective July 1, 2011, and shall continue until June 30, 2014.

Dennis L. Rowley, Spencer, was reappointed on May 23, 2011, to the **Petroleum Release Compensation Board**, effective immediately and shall continue until May 1, 2016.

Pamela S. Kean, Pierre, was appointed on May 26, 2011, to the **South Dakota Interagency Coordinating Council**, effective May 20, 2011, and shall continue until December 31, 2014.

Joseph P. Costello, Pierre, was appointed on May 25, 2011, to the position of **Commissioner of the Governor's Office of Economic**

Development, effective April 12, 2011, and shall serve at the pleasure of the Governor.

Andy Gerlach, Pierre, was appointed on May 25, 2011, to the position of **Secretary of the Department of Revenue**, effective May 23, 2011.

Laurie Gill, Pierre, was appointed on May 25, 2011, to the position of **Secretary of the Department of Human Services**, effective June 13, 2011.

James Hagen, Pierre, was appointed on May 25, 2011, to the position of **Secretary of the Department of Tourism**, effective April 12, 2011, and shall continue at the pleasure of the Governor.

Leroy LaPlante, Vermillion, was appointed on May 25, 2011, to the position of **Secretary of the Department of Tribal Relations**, effective April 12, 2011, and shall continue at the pleasure of the Governor.

Pamela Roberts, Pierre, was appointed on May 25, 2011, to the position of **Secretary of the Department of Labor and Regulation**, effective April 12, 2011, and shall continue at the pleasure of the Governor.

Executive Orders:

The Governor has signed **Executive Order 2011-12** dated May 25, 2011. The Order declares a state of emergency to exist in the State of South Dakota due to the record level water flows on the Missouri River as a result of heavy rains and record snowfall and snowmelt in Montana.

The Governor has signed **Executive Order 2011-13** dated May 29, 2011. The Order suspends the requirements under SDCL 32-12A for a Commercial Truck License to operate a Commercial Motor Vehicle to assist in building levees due to the flooding and potential flooding as a result of the increase water release from the Missouri River dams. This order is effective until Saturday, June 11, 2011, or at such later time as further declared by the Governor.

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

<p>6-2-2011</p>	<p>Game, Fish and Parks</p>	<p>Adopt an Application for License rule to establish a rule authorizing antlerless deer licenses established by SDCL 41-6-19.8 to be issued to qualifying farmers and ranchers for use in the West River, East River, Youth, Archery, and Muzzleloading deer hunting units where at least one antlerless deer tag is available after the second lottery drawing from the previous year's East River and West River deer seasons; amend a License Forms and Fees rule to increase by \$90.00 the license fee for all nonresident big game licenses that are valid for the taking of a buck; adopt a Hunting Requirements and Prohibited Methods rule to establish air gun ammunition and performance specifications for hunting cottontail rabbit, squirrel, and species defined as a predator/varmint; amend Fall Wild Turkey Hunting Season rules to establish the number of licenses available; amend Waterfowl Hunting Seasons (Goose Hunting Season – August Management Take) rules to expand the open area to include Hanson, Lincoln, and Union counties, and remove the possession limit of 32 Canada geese; amend Black Hills Deer Hunting Season rules to establish the number of resident and nonresident licenses available; amend West River Prairie Deer Season rules to establish the number and types of resident and nonresident licenses/tags available, and repeal the rule which designates areas where free antlerless deer licenses can be issued to farmers and ranchers for use in West River deer hunting units, add three Limited Access Units to the West River Deer Hunting</p>
-----------------	-----------------------------	---

		<p>Season, combining two units and revising three units; amend Archery Deer Hunting Season rules to adjust the start date for Sand Lake NWR from November 1 to the third Saturday in October, adjust the end date for Waubay Lake State Game Refuge and Waubay NWR from January 15 to December 31, add Yankton County to those restricted areas where only one single "any antlerless deer" license is valid, and eliminate antlerless deer licenses in the Black Hills Fire Protection District; amend an Archery Antelope Hunting Season rule to establish the types of resident and nonresident licenses/tags available; amend a Youth Deer Hunting Season to allow hunters to purchase up to two youth deer licenses, with only one youth deer license valid within the Black Hills Fire Protection District; amend a General Muzzleloading Deer Hunting Season rule to add Yankton County to those restricted areas where only one single "any antlerless deer" license is valid and eliminate antlerless deer licenses in the Black Hills Fire Protection District; amend Furbearer Season rules to shorten the period in which a hunter or trapper harvesting a bobcat after the close of the season must notify a conservation officer or wildlife damage specialist to within 24 hours of harvest, clarify that once a bobcat pelt has been registered and tagged by the department, the tag only pertains to raw pelts (tanned pelts or mounted bobcats will not be required to have a department tag attached); change season dates for mink, weasel, muskrat, beaver, raccoon, and bobcats, and prohibit muskrat trapping on Sand Lake National Wildlife Refuge and Waubay National Wildlife Refuge; amend a Trapping Prohibitions (Water-sets prohibited – exceptions) rule to allow persons West River (excluding the Black Hills Fire Protection District south of Interstate 90 and west of SD Highway 79) to use body grip or killer type traps (as water sets) within 30 feet of water to remove unwanted beavers; and amend Private Shooting Preserves rules to change all references to "operator" to "permittee" and clarify that mandatory attendance at the annual</p>
--	--	---

		training and information meeting is only required for new preserve permittees; 37 SDR 213.
6-7-2011	Labor and Regulation	Amend Unemployment Compensation rules to repeal obsolete provisions, clarify when unemployment insurance claims are effective, and modify the requirement to search for new employment when receiving benefits; 37 SDR 213.
6-17-2011	Health: Division of Health and Medical Services	Amend rules to revise the South Dakota reportable disease list, reduce reporting of latent tuberculosis infection to high-risk individuals only, and inventory the infectious agents for submission; 37 SDR 221.
8-18-2011	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, 2008 through June 30, 2010. Changes include establishing an alternative set of requirements for academic laboratories; rules that address transboundary movement of hazardous wastes and spent lead-acid batteries; and technical and typographical corrections to errors in the federal rules; 37 SDR 221.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 7, 2011, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – DHS, 2361 Dakota Ave. S; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB109; Sioux Falls – SFUC, 2205 Career Ave., Room 282 S; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2011 interim: July 12, August 30, September 27, November 15, and December 12.

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>.