

REGISTER



South Dakota Legislative Research Council

Volume 36

Tuesday, 8:00 a.m., June 1, 2010

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

Department of Health: Board of Massage Therapy: (May 24, 2010) intends to amend rules to provide standards for the training schools, a third choice for a national examination, and over-all clarification of several rules. The general authority for these rules, as cited by the board, is SDCL 36-35-12, 36-35-18.1, and 36-35-24.

A public hearing will be held via conference call and also at National American University, Sioux Falls, South Dakota, on June 29, 2010, at 1:00 p.m. (CDT) to consider the adoption of the proposed rules. A copy of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Massage Therapy, P.O. Box 1062, Sioux Falls, South Dakota 57101-1062. A copy of the proposed rules may also be obtained at <http://massage.sd.gov>. Material sent by mail must reach the board by June 18, 2010, 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) 271-7103 at least 48 hours before the hearing.

Department of Military and Veteran Affairs: (May 27, 2010) intends to amend a rule regarding furloughs for residents of the Michael J. Fitzmaurice South Dakota Veterans Home. The general authority for this rule, as cited by the department, is SDCL 33-18-2.

A public hearing will be held in Building 3, 1st floor Auditorium, Michael J. Fitzmaurice South Dakota Veterans Home, 2500 Minnekahta Avenue, Hot Springs, South Dakota, on August 25, 2010, at 9:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the Michael J. Fitzmaurice South Dakota Veterans Home, 2500 Minnekahta Avenue, Hot Springs, SD 57747 or by calling (605) 745-5127, ext. 116. Material sent by mail must reach the home by August 24, 2010, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the home can make arrangements are asked to call (605) 745-5127, ext. 116 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

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>6-3-2010</p>	<p>Game, Fish and Parks</p>	<p>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 offering 835 fewer resident one-tag and 730 more resident two-tag "any turkey" licenses in East River Prairie Units; consolidate the Stanley County Unit into the West River Prairie Unit; and create units for Deuel and Moody counties for the East River Prairie Season in which hunters may only use a shotgun with shot shells, a muzzle loading shotgun, or a bow and arrow; amend Black Hills Deer Hunting Season rules to establish season dates, shooting hours, open units, and requirement and restrictions; establish the number and types of resident and nonresident licenses available which will include offering residents 100 fewer and nonresidents 8 fewer "any deer" licenses than 2009; offering residents 500 fewer and nonresidents 40 fewer "any whitetail deer" licenses than 2009; offering residents 300 fewer and nonresidents 24 fewer "antlerless deer" licenses than 2009; and offering residents 1,400 fewer and nonresidents 112 fewer "antlerless deer" licenses than 2009; and offering residents 1,400 fewer and nonresidents 112 fewer "antlerless whitetail deer" licenses than 2009; amend West River Prairie Deer Season rules to establish season dates, shooting hours, open areas, 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 500, increasing resident two-tag licenses by 3,150 (6,300 tags), and decreasing resident three-tag licenses by 4,520 (13,560 tags) compared to 2009; adjusting nonresident license numbers by decreasing nonresident one-tag licenses by 40, increasing nonresident two-tag licenses by 252 (504 tags), and decreasing nonresident three-tag licenses by 362 (1,086 tags) compared to 2009; clarify that Unit WRD-58D (not Unit WRD-58B) is excepted from the</p>
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		<p>eight percent limitation on the maximum number of licenses which may be issued to nonresident applicants; change the reference in the unit boundary description for Unit WRD-02A from "Viewfield-Hereford Rd" to "New Underwood Rd;" and create application requirements for qualifying farmers and ranchers to apply for and receive two free antlerless deer licenses as authorized by legislation passed during the 2010 legislative session; amend a Mink, Weasel, and Muskrat Trapping Season rule to establish season dates, open area, requirements and restrictions, and extend the date that trapping can occur on muskrat houses to March 15; amend Trapping Prohibitions rules to prohibit people from attempting to claim trap locations on public road right-of-ways or public land prior to the start of the mink season and is intended to provide all people an equal opportunity to trap mink on public road right-of-ways or public land; amend a Private Shooting Preserves rule to allow for the removal of the head, leg and sufficient plumage from birds harvested on a licensed private shooting preserve with certain restrictions; and amend a Captive Game Birds rule to add quail to the list of those game birds excluded from the identification marking requirement; 36 SDR 189.</p>
6-15-2010	Education: Professional Teachers Practices and Standards Commission	<p>Amend rules to add sections to the Code of Ethics for Teachers that prohibits sexual activity with students and require that teachers exemplify high moral standards; and to accurately refer to the Secretary of the Commission as the Executive Secretary; 36 SDR 189.</p>
6-29-2010	Health: Board of Massage Therapy	<p>Amend rules to provide standards for the training schools, a third choice for a national examination, and over-all clarification of several rules; 36 SDR 199.</p>
8-25-2010	Military and Veteran Affairs	<p>Amend a rule regarding furloughs for residents of the Michael J. Fitzmaurice South Dakota Veterans Home; 36 SDR 199.</p>

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 8, 2010, 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 – DOT, 901 Dakota St.; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB109; and Sioux Falls – SFUC, 2205 Career Ave., Room 282 S. The committee chair has set the following tentative meeting schedule for the 2010 interim: July 20, August 31, September 28, November 17, and December 20.

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>.