

REGISTER



South Dakota Legislative Research Council

Volume 32

Monday, 8:00 a.m., June 19, 2006

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

Department of Education: Board of

Education: (June 12, 2006) intends to amend rules to allow those who are currently certified to take South Dakota Indian Studies and Human Relations for either renewal or transcribed credit; to remove the Human Relations and South Dakota Indian Studies requirement for individuals who have stand-alone K-12 Braille certificates; to incorporate concepts outlined in the South Dakota Science Content Standards and National Research Council best practices into the definition of "laboratory class"; to clarify the state accreditation option now available to non-public schools; to extend the term of administrative rule waivers to five years; and to change the implementation dates for graduation requirements to September 1. The general authority for these rules, as cited by the board, is SDCL 1-45-13, 13-1-12.1, 13-3-1.4, 13-3-47, 13-5-34, 13-13-18, 13-42-3.

A public hearing will be held in Conference Room 3 of the Kneip Building at 700 Governors Drive, Pierre, South Dakota, on July 10, 2006, at 1:00 p.m. CDT. Copies of the proposed rules may be obtained without charge online at <http://doe.sd.gov/secretary/adminrules/index.asp> or from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291. Written comments may be sent to the board at the address above and must be received by July 10, 2006, 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) 773-3426 at least 48 hours before the

hearing.

Department of Agriculture: Animal Industry Board: (June 13, 2006) has filed an amendment to a rule that will allow interested parties to apply for a permit to possess certain breeds of nondomestic sheep in the area of South Dakota lying west of the Missouri River. The general authority for this rule, as cited by the board, is SDCL 40-3-14, 40-3-25, 40-3-26 and 40-5-8.6.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on Monday, July 10, 2006, at 1:00 p.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the Board Office by Monday, July 7, 2006, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 at least 48 hours prior to the hearing.

Attorney General: Law Enforcement Officers Standards and Training Commission:

(June 14, 2006) intends to adopt and amend rules to provide for the continuing educational requirements of reserve law enforcement officers and to set the time frame in which reserve law enforcement officers are to complete specific firearm and continuing educational requirements; to clarify the authority of canine handlers in evaluating canines; and to clarify which canines a canine judge may evaluate. The general authority for these rules, as cited by the commission, is SDCL 23-3-35.

A public hearing will be held at the George S. Mickelson Criminal Justice Center, 1302 E. US Highway 14, Pierre, South Dakota, on July 19, 2006, at 10:00 a.m. A copy of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, Division of Criminal Investigation, c/o Kim Knecht, George S. Mickelson Criminal Justice Center, 1302 E. US Highway 14, Pierre, South Dakota 57501. Written comments must be received by the close of business on July 18, 2006. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3584 before the hearing.

Department of Game, Fish and Parks:

(June 16, 2006) intends to amend Antelope Hunting Season rules to establish the number/types of resident and nonresident hunting licenses/tags available in the applicable modified, consolidated, new, and existing hunting Units, modify the hunting season dates and length of the season, modify the hunting season dates in Units with split seasons, establish a split hunting season and dates in Ziebach County, modify the boundary of Units involving Fall River County, include all of Jackson County in Unit PRA-39A, establish a new hunting Unit in Shannon County, modify the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of antelope that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a preference point; amend East River Deer Hunting Season rules to establish the number/types of hunting license/tags available in the applicable new and existing hunting Units, modify the hunting season dates in the East River hunting Units, modify the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of deer that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a

preference point; amend Early Fall Canada Goose Hunting Season rules by adding Union County to Unit C where the season is open for 14 consecutive days beginning on the second Saturday of September and modify the opening of the hunting season in Unit A and Unit B from the first Saturday in September to September 1; amend Uses of Parks and Public Lands to require all persons, not just archery hunters, utilizing a tree stand in the hunting of a big game animal on lands owned, leased, or controlled by GFP to attach their name and address or the year and current big game license of the owner or user on the tree stand; and amend Private Shooting Preserves to modify procedures for issuance and utilization of and information required on a transportation permit (a/k/a processing permit) used by shooting preserve operators which transport harvested species from their preserve for processing and repeal the provisions relating to issuance of a common carrier shipping permit. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-21, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Ramkota RiverCentre in Pierre, South Dakota, on July 6, 2006, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. 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 Noon 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 e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. 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) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:**ATTORNEY GENERAL: LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING**

COMMISSION: 2:01:02:01; 2:01:06:17 to 2:01:06:17.o4, inclusive; 2:01:13:03, 2:01:13:05, 2:01:13:16, 2:01:13:17; 2:05:01:01.

History-Notice: 32 SDR 135, Feb. 6, 2006
 Hearing: March 2, 2006
 Filed: June 5, 2006
 Effective: June 26, 2006

SECRETARY OF STATE: BOARD OF ELECTIONS:

5:02:03:01; 5:02:05:02, 5:02:05:02.01, 5:02:05:26; 5:02:06:01.01, 5:02:06:01.02, 5:02:06:03.01, 5:02:06:04.01, 5:02:06:13, 5:02:06:17, 5:02:06:20; 5:02:08:41; 5:02:09:04.03, 5:02:09:04.05; 5:02:10:01, 5:02:10:01.03, 5:02:10:04; and 5:02:16:16

History-Notice: 32 SDR 167, April 3, 2006
 Hearing: April 28, 2006
 Filed: June 12, 2006
 Effective: July 3, 2006

DEPARTMENT OF GAME, FISH AND PARKS:

41:03:01:16; 41:03:03:03.01; 41:06:16:08, 41:06:22:01, 41:06:22:01.01, 41:06:22:02, 41:06:22:03; 41:06:24:01, 41:06:24:03; 41:06:44:01; 41:06:45:01, and 41:06:45:04.

History-Notice: 32 SDR 177, April 17, 2006
 Hearing: May 4, 2006
 Filed: June 13, 2006
 Effective: July 3, 2006

DEPARTMENT OF HUMAN SERVICES: CERTIFICATION BOARD FOR ALCOHOL AND DRUG

PROFESSIONALS: 46:33:01:01 to 46:33:01:05, inclusive; 46:33:02:01 to 46:33:02:03, inclusive; 46:33:03:01, 46:33:03:02; 46:33:04:01 to 46:33:04:03, inclusive; 46:33:05:01 to 46:33:05:08, inclusive; 46:33:06:01 to 46:33:06:05, inclusive;

46:33:07:01 to 46:33:07:06, inclusive, 46:33:07:08; 46:33:08:01 to 46:33:08:13, inclusive; 46:33:09:01 to 46:33:09:14, inclusive; and 46:33:10:01 to 46:33:10:03, inclusive.

History-Notice: 32 SDR 157, March 20, 2006
 Hearing: April 20, 2006
 Filed: June 13, 2006
 Effective: July 3, 2006

DEPARTMENT OF REVENUE AND REGULATION: BUSINESS TAX:

64:01:01:19, 64:01:01:42 to 64:01:01:51, inclusive; 64:06:01:02, 64:06:01:03.01, 64:06:01:05, 64:06:01:07, 64:06:01:07.01, 64:06:01:07.02, 64:06:01:20, 64:06:01:33, 64:06:01:34, 64:06:01:35, 64:06:01:35.03, 64:06:01:35.04, 64:06:01:35.05, 64:06:01:37, 64:06:01:39, 64:06:01:39.01, 64:06:01:39.02, 64:06:01:39.03, 64:06:01:40, 64:06:01:41, 64:06:01:44, 64:06:01:54, 64:06:01:55, 64:06:01:67; 64:06:02:70; 64:06:03:00, 64:06:03:15, 64:06:03:19, 64:06:03:48, 64:06:03:49, 64:06:03:56; 64:07:01:12 and 64:07:01:18.

History-Notice: 32 SDR 187, May 1, 2006
 Hearing: May 19, 2006
 Filed: June 13, 2006
 Effective: July 3, 2006

DEPARTMENT OF HEALTH: BOARD OF EXAMINERS IN OPTOMETRY:

20:50:02:04.03, 20:50:02:08; 20:50:04:12.

History-Notice: 32 SDR 195, May 15, 2006
 Hearing: May 31, 2006
 Filed: June 14, 2006
 Effective: July 5, 2006

DEPARTMENT OF TRANSPORTATION:

70:01:02:05.

History-Notice: 32 SDR 191, May 8, 2006
 Hearing: May 25, 2006
 Filed: June 14, 2006
 Effective: July 5, 2006

Executive Appointment:

Audrey Ticknor, Vermillion, was reappointed on June 9, 2006, to the **State Board of Dentistry**, effective July 1, 2006, and shall continue until June 30, 2009.

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

6-22-2006	Health: Board of Nursing	Adopt and amend rules for the implementation of criminal background checks as a condition for initial licensure as a nurse in South Dakota; 32 SDR 209.
6-22-2006	Social Services: Division of Medical Services	Amend rules to update the definitions of "Center" and "Clinic"; delete the definition of "Hospital-based provider"; no longer relate to a hospital-based provider as a separate type of provider; incorporate by reference the standards established by the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act (BIPA) of 2000 and specify that the department uses BIPA to determine a facility's rate of payment; limit payment for mental health services to those providers and services covered under the provisions of Chapter 67:16:41 – Mental health services provided by independent practitioners; clarify that claims may be submitted in electronic format; and no longer cost settle following completion of an audit; 32 SDR 215.
7-1-2006	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

		<p>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.</p>
<p>7-6-2006</p>	<p>Game, Fish and Parks</p>	<p>Amend Antelope Hunting Season rules to establish the number/types of resident and nonresident hunting licenses/tags available in the applicable modified, consolidated, new, and existing hunting Units, modify the hunting season dates and length of the season, modify the hunting season dates in Units with split seasons, establish a split hunting season and dates in Ziebach County, modify the boundary of Units involving Fall River County, include all of Jackson County in Unit PRA-39A, establish a new hunting Unit in Shannon County, modify the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of antelope that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a preference point; amend East River Deer Hunting Season rules to establish the number/types of hunting license/tags available in the applicable new and existing hunting Units, modify the hunting season dates in the East River hunting Units, modify the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of deer that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a preference point; amend Early Fall Canada Goose Hunting Season rules by adding Union County to Unit C where the season is open for 14 consecutive days beginning on the second Saturday of September and modify the opening of the hunting season in Unit A and</p>

		Unit B from the first Saturday in September to September 1; amend Uses of Parks and Public Lands to require all persons, not just archery hunters, utilizing a tree stand in the hunting of a big game animal on lands owned, leased, or controlled by GFP to attach their name and address or the year and current big game license of the owner or user on the tree stand; and amend Private Shooting Preserves to modify procedures for issuance and utilization of and information required on a transportation permit (a/k/a processing permit) used by shooting preserve operators which transport harvested species from their preserve for processing and repeal the provisions relating to issuance of a common carrier shipping permit; 32 SDR 224.
7-10-2006	Agriculture: Animal Industry Board	Amend a rule to allow interested parties to apply for a permit to possess certain breeds of nondomestic sheep in the area of South Dakota lying west of the Missouri River; 32 SDR 223.
7-10-2006	Education: Board of Education	Amend rules to allow those who are currently certified to take South Dakota Indian Studies and Human Relations for either renewal or transcribed credit; to remove the Human Relations and South Dakota Indian Studies requirement for individuals who have stand-alone K-12 Braille certificates; to incorporate concepts outlined in the South Dakota Science Content Standards and National Research Council best practices into the definition of "laboratory class"; to clarify the state accreditation option now available to non-public schools; to extend the term of administrative rule waivers to five years; and to change the implementation dates for graduation requirements to September 1; 32 SDR 223.
7-19-2006	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt and amend rules to provide for the continuing educational requirements of reserve law enforcement officers and to set the time frame in which reserve law enforcement officers are to complete specific firearm and continuing educational requirements; to clarify the authority of canine handlers in evaluating canines; and to clarify which canines a canine judge may evaluate; 32 SDR 223.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, June 28, 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.

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 32 are \$20. 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 Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).