

# REGISTER



*South Dakota Legislative Research Council*

*Volume 31*

*Monday, 8:00 a.m., June 20, 2005*

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

***Department of Game, Fish and Parks:***

(June 17, 2005) intends to amend rules to modify the Antelope hunting season, the East River Deer hunting season, the Sage Grouse hunting season, and the Early Fall Canada Goose hunting season; permit the use of certain traps specifically designed to catch raccoons during specified times and locations; prohibit use of centerfire rifles on Cottonwood Lake Hatchery State Game Bird Refuge and only permit the use of shotguns (using shot shells) and bow and arrow on lands owned by the Otter Tail Power Company leased to the Department as a Game Production Area; increase the annual park entrance license fee from \$20 to \$23 (first vehicle) and from \$10 to \$11.50 (additional vehicles) and require a park entrance license for entry into Rocky Point (effective April 1, 2006) and Bob's Landing; and make comprehensive modifications of rules and regulations relative to Park Concession Leases. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-2-38, 41-6-21, 41-8-20, 41-11-5, 41-17-1.1, and 41-17-13.

A public hearing will be held at the Outdoor Campus, 4500 South Oxbow Avenue, Sioux Falls, South Dakota, on July 7, 2005, 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 prior to the hearing date. Comments may also be sent by e-mail to [chuck.schlueter@state.sd.us](mailto: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:**

**DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:03:01:16; 41:04:02:01; 41:06:04:04; 41:06:05:03; 41:06:14:01, 41:06:14:02, 41:06:14:02.01, 41:06:14:05; 41:06:16:08, 41:06:16:09.01, 41:06:16:11, 41:06:16:11.01; 41:06:19:01, 41:06:19:02, 41:06:19:04, 41:06:19:07; 41:06:36:01, 41:06:36:02, 41:06:36:02.01, 41:06:36:02.02; 41:06:44:01, 41:06:44:02, 41:06:44:02.01, 41:06:44:03, 41:06:44:04, 41:06:44:05; and 41:06:47:06

History-Notice: 31 SDR 157, April 18, 2005  
Hearing: May 5-6, 2005  
Filed: June 14, 2005  
Effective: July 4, 2005

**DEPARTMENT OF HEALTH:** 44:09:01:05;

44:09:02:05, 44:09:02:07, 44:09:02:10; 44:09:03:01, 44:09:03:02; 44:09:05:04, 44:09:05:06, 44:09:05:12; 44:09:06:02, 44:09:06:02.01, 44:09:06:04 to 44:09:06:08, inclusive; and 44:09:07:01 to 44:09:07:06, inclusive.

History-Notice: 31 SDR 151, April 11, 2005  
Hearing: May 2, 2005  
Filed: June 14, 2005  
Effective: July 4, 2005

**DEPARTMENT OF HEALTH:** 44:63:01:01;  
44:63:02:02, 44:63:02:07; 44:63:03:06;  
44:63:04:02, 44:63:04:03; and 44:63:06:01 to  
44:63:06:03, inclusive.

History-Notice: 31 SDR 171, May 2, 2005  
Hearing: May 25, 2005  
Filed: June 14, 2005  
Effective: July 4, 2005

**SECRETARY OF STATE: BOARD OF  
ELECTIONS:** 5:02:03:01, 5:02:03:12,  
5:02:03:13, 5:02:03:16, 5:02:03:23; 5:02:05:22;  
5:02:08:21; 5:02:09:02.03; and 5:02:10:01.02.

History-Notice: 31 SDR 151, April 11, 2005  
Hearing: May 13, 2005  
Filed: June 14, 2005  
Effective: July 4, 2005

**DEPARTMENT OF LABOR: BOARD OF  
ACCOUNTANCY:** 20:75:02:03.

History-Notice: 31 SDR 137, March 21, 2005  
Hearing: April 29, 2005  
Filed: June 16, 2005  
Effective: July 6, 2005

**DEPARTMENT OF REVENUE AND  
REGULATION: BUSINESS, PROPERTY,  
AND SPECIAL TAXES:** 64:01:01:21,  
64:01:01:29; 64:06:01:03.02, 64:06:01:07.03,  
64:06:01:39.03, 64:06:01:68; 64:06:02:06.02,  
64:06:02:78, 64:06:02:79, 64:06:02:80,  
64:06:02:81.01; 64:06:03:54, 64:06:03:63;  
64:75:01:01, 64:75:01:05, 64:75:01:07;  
64:75:02:01 to 64:75:02:04, inclusive;  
64:75:03:01 to 64:75:03:09, inclusive,  
64:75:03:11, 64:75:03:13 to 64:75:03:15,  
inclusive; 64:75:04:01 to 64:75:04:14, inclusive,  
64:75:04:17 to 64:75:04:22, inclusive,  
64:75:04:24; 64:75:05:01 to 64:75:05:07,  
inclusive; 64:75:06:02 to 64:75:06:07, inclusive;  
64:75:07:01, 64:75:07:02; and 64:75:08:01 to  
64:75:08:10, inclusive.

History-Notice: 31 SDR 177, May 9, 2005  
Hearing: May 27, 2005

Filed: June 16, 2005  
Effective: July 6, 2005

**DEPARTMENT OF REVENUE AND  
REGULATION: DIVISION OF  
INSURANCE:** 20:06:08:43; 20:06:16:02;  
20:06:21:26.01, 20:06:21:53.05, 20:06:21:54;  
20:06:29:01; 20:06:38:13; 20:06:49:01;  
20:06:13:02, 20:06:13:03, 20:06:13:14.01,  
20:06:13:17.01, 20:06:13:17.03,  
20:06:13:17.04, 20:06:13:17.04.01,  
20:06:13:17.04.02, 20:06:13:17.05,  
20:06:13:17.06, 20:06:13:17.08,  
20:06:13:17.09, 20:06:13:17.10, 20:06:13:19,  
20:06:13:20, 20:06:13:21, 20:06:13:21.01,  
20:06:13:22.03, 20:06:13:30, 20:06:13:32,  
20:06:13:35, 20:06:13:36, 20:06:13:51,  
20:06:13:53, 20:06:13:60.01, 20:06:13:61,  
20:06:13:70, 20:06:13:78, 20:06:13:80,  
20:06:13:80.01, 20:06:13:81, 20:06:13:85,  
20:06:13 Appendix A, Appendix C,  
Appendix D, and Appendix E

History-Notice: 31 SDR 163, April 25, 2005  
Hearing: May 19, 2005  
Filed: June 16, 2005  
Effective: July 6, 2005

**DEPARTMENT OF REVENUE AND  
REGULATION: RISK POOL BOARD:**  
20:06:48:03 and 20:06:48:18.

History-Notice: 31 SDR 164, April 25, 2005  
Hearing: May 19, 2005  
Filed: June 16, 2005  
Effective: July 6, 2005

**DEPARTMENT OF SOCIAL SERVICES:**  
67:16:02:05.03, 67:16:02:05.04,  
67:16:02:05.05, 67:16:02:05.06, 67:16:02  
Appendix E; 67:16:14:05, 67:16:14:06.03,  
67:16:14:06.07, 67:16:14:06.08, 67:16:14:14;  
67:16:26:04, and 67:16:26:05.  
History-Notice: 31 SDR 163, April 25, 2005  
Hearing: May 11, 2005  
Filed: June 16, 2005  
Effective: July 6, 2005

**Executive Appointments:**

**Victor Erlacher**, Lemmon, was reappointed on June 3, 2005, to the **Council of Juvenile Services**, effective July 1, 2005, and shall continue until June 30, 2008.

**Judith E. Hines**, Brandon, was reappointed on June 10, 2005, to the **South Dakota Crime Victims' Compensation Commission**, effective July 1, 2005, and shall continue until June 30, 2008.

**David R. Lonbaken**, Pierre, was reappointed on June 10, 2005, to the **State Board of Podiatry Examiners**, effective July 1, 2005, and shall continue until June 30, 2008.

**Neal Skea**, Rapid City, was reappointed on June 10, 2005, to the **State Board of Podiatry Examiners**, effective July 1, 2005, and shall continue until June 30, 2008.

**Alfred L. Rude**, Brookings, was reappointed on June 13, 2005, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2009.

**Carter O. Wiese**, Armour, was reappointed on June 13, 2005, to the **State Board of Funeral Service**, effective July 1, 2005, and shall continue until June 30, 2008.

**Ronald Thyen**, Hayti, was reappointed on June 14, 2005, to the **South Dakota Weed and Pest Control Commission**, effective immediately and shall continue until June 1, 2008.

**Donald C. Williams**, Mt. Vernon, was reappointed on June 14, 2005, to the **South Dakota Weed and Pest Control Commission**, effective immediately and shall continue until June 1, 2008.

**Donna Fjelstad**, Pierre, was reappointed on June 15, 2005, to the **State Arts Council**,

effective July 1, 2005, and shall continue until June 30, 2008.

**Jane Rasmussen**, Sisseton, was reappointed on June 15, 2005, to the **State Arts Council**, effective July 1, 2005, and shall continue until June 30, 2008.

**Verdayne Brandenburg**, Sioux Falls, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

**Heather Christianson**, Mitchell, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

**Dana Darger**, Rapid City, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

**James Engelbrecht**, Rapid City, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

**Galen Goeden**, Yankton, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

**Dennis Hedge**, Sioux Falls, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

**Richard Holm**, Brookings, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

**William Ladwig**, Sioux Falls, was reappointed on June 16, 2005, to the **South Dakota Medicaid P&T Committee**, effective July 1, 2005.

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

6-21-2005	Bureau of Personnel	Amend rules that will allow for drug testing of certain primary care employees at the South Dakota Human Services Center, Developmental Hospital, and Veterans' Home and to make changes in the procedures for drug testing of state employees so as to comply with legislation adopted by the South Dakota Legislature in 2005; 31 SDR 184.
6-21-2005	Public Safety: Emergency Medical Services	Adopt rules that will establish EMS cardiopulmonary directives for ambulance personnel; 31 SDR 197.
6-23-2005	Transportation	Amend a rule that corrects the highway numbering of an existing speed zone through the city of Roslyn to State Trunk Highway 25; 31 SDR 205.
6-24-2005	Human Services: Board of Counselor Examiners	Clarify that other state licensure requirements must meet or exceed South Dakota's requirements for licensure, remove the requirement for supervisors to provide their social security number to the board, add the requirement that supervisees sign an agreement to adhere to the American Counseling Association Code of Ethics and Standards of Practice, and change the supervision requirements by providing more flexible supervision requirements and clearly listing the supervisor's requirements and duties, remove the requirement for supervisors to provide their social security number and add the requirement that supervisees sign an agreement to adhere to the American Association for Marriage and Family Therapists Code of Ethics, 31 SDR 198.
6-24-2005	Revenue and Regulation: Lottery Commission	Adopt changes to the Powerball and Power Play games recently approved by the 29 participating lotteries. The changes, to take effect after the drawing of August 28, 2005, include addition of pool numbers and changes in corresponding odds, increase in starting jackpot and second and third tier prizes, graduated annuity jackpot payments, and Power Play wheel changes; 31 SDR 198.
7-6-2005	Environment and Natural Resources: Water Management Board	Amend uses assigned to streams for Minnesota River's tributaries' by designating the

		<p>beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to Labolt Lake Creek in Grant County; for Big Sioux River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of Skunk Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of West Pipestone Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County, and designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County; for Cheyenne River Basin by designating the beneficial use of coldwater permanent fish life propagation waters and limited contact recreation waters to a segment of Beaver Creek in Custer County; for Belle Fourche River Basin by designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Spring Creek, a tributary to the Redwater River in Lawrence County, designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Rubicon Gulch Creek, a tributary of Spearfish Creek in Lawrence County; for Vermillion River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to Blind Creek, a tributary of the Vermillion River in Lincoln County; 31 SDR 197.</p>
<p>7-7-2005</p>	<p>Game, Fish and Parks</p>	<p>Amend rules to modify the Antelope hunting season, the East River Deer hunting season, the Sage Grouse hunting season, and the Early Fall Canada Goose hunting season; permit the use of certain traps specifically designed to catch raccoons during specified times and locations; prohibit use of centerfire rifles on Cottonwood</p>

		Lake Hatchery State Game Bird Refuge and only permit the use of shotguns (using shot shells) and bow and arrow on lands owned by the Otter Tail Power Company leased to the Department as a Game Production Area; increase the annual park entrance license fee from \$20 to \$23 (first vehicle) and from \$10 to \$11.50 (additional vehicles) and require a park entrance license for entry into Rocky Point (effective April 1, 2006) and Bob's Landing; and make comprehensive modifications of rules and regulations relative to Park Concession Leases; 31 SDR 213.
7-18-2005	Labor: Electrical Commission	Adopt the 2005 National Electrical Code, increase inspection fees, and revise local inspection system requirements; 31 SDR 209.

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 9, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: September 20, October 18, December 6, and January 9, 2006.

**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.