

# REGISTER

*South Dakota Legislative Research Council*



*Volume 28*

*Monday, 8:00 a.m., July 9, 2001*

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**A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE**

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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:*** (July 2, 2001) intends to adopt an **EMERGENCY** rule to reduce by 50% the number of "any deer" and "any whitetail deer" licenses to be issued for the 2001 Black Hills deer hunting season in certain units. The general authority for this rule, as cited by the department, is SDCL 41-2-18 and 41-8-1.

A copy of the proposed rule may be obtained from the Department of Game, Fish and Parks, 523 East Capitol, Pierre, South Dakota 57501.

***Department of Transportation:*** (July 3, 2001) intends to adopt rules to amend speed zones in Brown, Charles Mix, Hamlin, Lincoln, and Union Counties. The general authority for these rules, as cited by the board, is SDCL 32-25-7.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on Thursday, July 26, 2001, at 9:05 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by July 25, 2001, 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) 773-3265 at least forty-eight hours before the hearing.

***Department of Commerce and Regulation:***

***South Dakota Board of Counselor Examiners:*** (July 5, 2001) is proposing rules to expand the list of qualified supervisors, clarify the definition of supervision, add to the areas of competency covered in training, increase fees for initial and renewal licenses, and examination fees for licensed professional counselors, allow the board to conduct more than one type of examination, assist licensees in finding compliant continuing education programs, and pronounce licensees' need to abide by a published code of ethics and standards of practice. The general authority for these rules, as cited by the board, is SDCL 36-32-13, 36-32-23, 36-32-26, 36-32-29, 36-32-43, 36-33-9, 36-33-14, 36-33-17, 36-33-18, 36-33-19, and 36-33-25.

A public hearing will be held in the 2<sup>nd</sup> Floor Conference Room, Department of Commerce and Regulation, 118 West Capitol Avenue, Pierre, South Dakota, on Friday, July 27, 2001, at 8:30 a.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Board of Counselor Examiners, PO Box 1822, Sioux Falls, South Dakota 57101-1822. 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) 331-2927 at least forty-eight hours before the hearing.

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

***Administrative Rules:***

**DEPARTMENT OF SOCIAL SERVICES:**  
67:16:03:06.15.

History-Notice: 27 SDR 113, April 30, 2001  
 Hearing: May 23, 2001  
 Filed: June 28, 2001  
 Effective: August 1, 2001

**DEPARTMENT OF SOCIAL SERVICES:**  
 67:46:14:02.

History-Notice: 27 SDR 146, June 25, 2001  
 Hearing: N/A  
 Filed: June 29, 2001  
 Effective: July 1, 2001

**DEPARTMENT OF ENVIRONMENT AND  
 NATURAL RESOURCES: BOARD OF  
 WATER AND NATURAL RESOURCES:**

74:05:08:01, 74:05:08:02, 74:05:08:03,  
 74:05:08:06, 74:05:08:08, 74:05:08:09,  
 74:05:08:14, 74:05:08:15, 74:05:08:17,  
 74:05:08:19, 74:05:08:20, 74:05:08:22,  
 74:05:08:23, 74:05:08:24, and ch 74:05:09.

History-Notice: 27 SDR 126, May 21, 2001  
 Hearing: June 14, 2001  
 Filed: July 2, 2001  
 Effective: July 22, 2001

**DEPARTMENT OF COMMERCE AND  
 REGULATION: DIVISION OF  
 INSURANCE:** 20:06:34:01 to 20:06:34:09,  
 inclusive.

History-Notice: 27 SDR 125, May 15, 2001  
 Hearing: June 8, 2001  
 Filed: July 6, 2001  
 Effective: July 26, 2001

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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

7-11-2001	Commerce and Regulation: Board of Pharmacy	Increase renewal license fee; 27 SDR 146.
7-16-2001	Human Services	Financial eligibility for receiving state funded mental health services; 27 SDR 141.
7-16-2001	Commerce and Regulation: Cosmetology Commission	Increase fees for certain licenses, update and clarify safety and sanitation procedures, update requirements for license applications, update curriculum requirements, and update the approved textbooks; 27 SDR 146.
7-19-2001	Environment and Natural Resources	Update hazardous waste rules; 27 SDR 129.
7-19-2001	Commerce and Regulation: Board of Nursing	Update process for issuing temporary nursing permits and clarify circumstances for delegating medication administration; 27 SDR 145.

7-26-2001	Transportation	Amend speed zones in Brown, Charles Mix, Hamlin, Lincoln, and Union Counties; 28 SDR 3.
7-27-2001	Commerce and Regulation: Board of Counselor Examiners	Expand list of qualified supervisors, clarify supervision requirements, add to competency of qualified licensees, increase fees for initial license, renewals, and examination fees, assist licensees in finding continuing education programs, compliance with Code of Ethics; 28 SDR 3.

### ***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 7 at 9:00 a.m. in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2001 interim: October 8 and November 28.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office.

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 28 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.cfm>).