

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., July 21, 2014

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

Bureau of Human Resources and Civil Service Commission: (July 16, 2014) intends to amend rules to revise the term, "mental retardation" to read "developmental disability;" place the definitional terms in alphabetical order and clarify the term "eligible" employee to include permanent part-time employees; revise a rule to read "one month" rather than "31 days;" repeal a rule because state employee life insurance coverage is now portable; revise a rule to allow retirees who retire prior to November 1, 2014, to elect coverage through the state health plan even if they fail to elect coverage in the first 30 days after retirement and remove the requirement that the eligible retiree provide proof of eligibility; extend the probationary period of conservation officers and university law enforcement officers from 1,040 hours to 2,080 hours; correct grammatical errors; correct a cross-reference; and add the term "pay" to exclusion of issues that employees cannot appeal. The general authority for these rules, as cited by the bureau, is SDCL §§ 3-6C-3, 3-6C-5, 3-6C-7, 3-6C-18, 3-6D-7, 3-6D-10, 3-6D-11, 3-6D-14, 3-6E-13, and 3-6F-5.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre South Dakota, on August 14, 2014, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Bureau of Human Resources, Room 110, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by August 14, 2014, to be considered. This hearing is being held in a

physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-4918 at least 48 hours before the hearing.

Department of Game, Fish and Parks: (July 16, 2014) intends to amend a Waterfowl Hunting Seasons (Duck Hunting Season) rule to decrease the daily bag limit for canvasback from 2 to 1 and allow 2 bonus blue-winged teal for the first 16 days of the duck season; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the daily bag limit for light geese from 20 to 50 and change Unit 2 so the season is open for 105 days preceding (and including) the Sunday closest to February 15; and amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S. Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River,

Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit, and reduce the total number of fall wild turkey licenses a person may obtain from 5 licenses to 2 licenses. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18 and 41-11-5.

A public hearing will be held at the Holiday Inn Express, 110 East Stanley Road, Ft. Pierre, South Dakota, on August 7, 2014, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, 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 p.m. 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 email to Wildinfo@state.sd.us. All written and email comments must include the commenter's name, home town/city and state. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the hearing.

Department of Labor and Regulation: Division of Unemployment Insurance: (July 18, 2014) intends to amend rules to clarify when a week of unemployment starts, eliminate procedures used when unemployment insurance claims are filed in-person at a local Labor and Regulation office, correct an authorizing statute, clarify the time period for when claims for weeks of unemployment will be accepted, change the requirement from having an eligibility interview to having an eligibility assessment, eliminate the need for individuals to keep a copy of job contacts, clarify the effective date of a disqualification, and add a new industry, seasonal small game cleaning services, to the

list of seasonally designated industries, so former employees can only claim benefits in the period the industry is open for business. The general authority for these rules, as cited by the department, is SDCL §§ 61-1-1, 61-1-54, 61-5-42, 61-6-1, and 61-7-1

A public hearing will be held at the Aberdeen Administrative Office, 420 S. Roosevelt St., Aberdeen, South Dakota, on August 26, 2014, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Labor and Regulation, Attn: Pauline Heier, P.O. Box 4730, Aberdeen, South Dakota 57402-4730. Written comments must be received by the Department of Labor and Regulation by September 5, 2014, 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) 626-2310 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: SD BOARD OF NURSING: 20:48:01:01; 20:48:03:01:01; 20:48:04:01; 20:48:04:01:09, 20:48:04:01:11 to 20:48:04:01:17, inclusive; 20:48:04:02:01 to 20:48:04:02:03, inclusive; 20:48:04:02:04; 20:48:05:01, 20:48:05:05 to 20:48:05:08, inclusive; 20:48:13:01 to 20:48:13:10, inclusive; and 20:48:15:02.

History-Notice: 40 SDR 201, May 19, 2014
 Hearing: June 12, 2014
 Filed: July 11, 2014
 Effective: July 31, 2014

Executive Order:

The Governor has signed **Executive Order 2014-08**, dated July 10, 2014. In this order he details the damage in South Dakota to several county road systems including damage to bridges, road beds, and other facilities that are

part of the "Federal aid highways." The damage is extensive and in need of immediate repair. The Governor is urging the Federal Highway Division Administrator to concur in the declaration of this emergency.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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

7-24-2014	Labor and Regulation: State Plumbing Commission	Amend rules to increase license and examination fees, residential inspection fees, establish a license fee for apprentice plumbers, and adopt licensing criteria for apprentice plumbers; 40 SDR 237, June 30, 2014.
7-24-2014	Transportation	Adopt a Speed Zone rule on State Trunk Highway 42 in Minnehaha County beginning 0.90 mile west of the intersection with Minnehaha County Road 139 then east for 0.80 mile, 55 miles per hour; then east for an additional 0.10 mile to the intersection with Minnehaha County Road 139, 45 miles per hour; 41 SDR 1, July 7, 2014.
8-7-2014	Game, Fish and Parks	Amend a Waterfowl Hunting Seasons (Duck Hunting Season) rule to decrease the daily bag limit for canvasback from 2 to 1 and allow 2 bonus blue-winged teal for the first 16 days of the duck season; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to increase the daily bag limit for light geese from 20 to 50 and change Unit 2 so the season is open for 105 days preceding (and including) the Sunday closest to February 15; and amend Fall Wild Turkey Hunting Season rules to adjust the number of licenses/tags available in the East River Prairie Units, Unit BH1, NE Unit and in Brookings, Deuel, Lincoln, Minnehaha and Moody counties, change the season dates from October 1 – January 31 to November 1 – January 31, modify Unit BH1 to include those portions of Custer, Fall River, Lawrence, Meade, and Pennington counties within a line beginning at the junction of U.S. Hwy. 85 and Interstate 90 at exit 17, south on U.S. Hwy. 85 to U.S. Hwy. 385, south on U.S.

		Hwy. 385 to S.D. Hwy 89, south on S.D. Hwy. 89 to Pilger Mountain Road, west on Pilger Mountain Road to Dewey Road, west on Dewey Road to the WY/SD line, south on the WY/SD line to U.S. Hwy. 18, east on U.S. Hwy. 18 to the Cheyenne River, east along the Cheyenne River to S.D. Hwy. 79, north on S.D. Hwy. 79 to Interstate 90, north and west on Interstate 90 to exit 17, the point of beginning, change the unlimited West River Prairie licenses from a two-tag license to a single tag license, and close Bennett, Corson, Custer, Fall River, Haakon, Jackson, Lawrence (south of Interstate 90), Meade, Pennington, Shannon and Ziebach counties to fall turkey hunting in the West River Prairie Unit, and reduce the total number of fall wild turkey licenses a person may obtain from 5 licenses to 2 licenses; 41 SDR 11, July 21, 2014.
8-14-2014	Bureau of Human Resources and Civil Service Commission	Amend rules to revise the term, "mental retardation" to read "developmental disability;" place the definitional terms in alphabetical order and clarify the term "eligible" employee to include permanent part-time employees; revise a rule to read "one month" rather than "31 days;" repeal a rule because state employee life insurance coverage is now portable; revise a rule to allow retirees who retire prior to November 1, 2014, to elect coverage through the state health plan even if they fail to elect coverage in the first 30 days after retirement and remove the requirement that the eligible retiree provide proof of eligibility; extend the probationary period of conservation officers and university law enforcement officers from 1,040 hours to 2,080 hours; correct grammatical errors; correct a cross-reference; and add the term "pay" to exclusion of issues that employees cannot appeal; 41 SDR 11, July 21, 2014.
8-19-2014	Attorney General: Law Enforcement Officers Training and Standards Commission	Amend rules to permit the Department of Corrections to certify canine teams for use in the Department of Corrections facilities; 41 SDR 1, July 7, 2014.
8-26-2014	Labor and Regulation: Division of Unemployment Insurance	Amend rules to clarify when a week of unemployment starts, eliminate procedures used when unemployment insurance claims are filed in-person at a local Labor and Regulation

		office, correct an authorizing statute, clarify the time period for when claims for weeks of unemployment will be accepted, change the requirement from having an eligibility interview to having an eligibility assessment, eliminate the need for individuals to keep a copy of job contacts, clarify the effective date of a disqualification, and add a new industry, seasonal small game cleaning services, to the list of seasonally designated industries, so former employees can only claim benefits in the period the industry is open for business; 41 SDR 12, July 21, 2014.
--	--	--

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 12, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: September 16, November 12, and December 16.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

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 41 are \$25. 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 LRC website: <http://legis.sd.gov>. You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.
