

REGISTER



South Dakota Legislative Research Council

Volume 32

Monday, 8:00 a.m., August 1, 2005

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

Department of Agriculture: South Dakota Veterinary Medical Examining Board:

(July 21, 2005) is proposing to amend rules to provide for a single Exam Board member to conduct interviews of veterinary technician applicants for registration; to provide for the national exam to be the sole written examination for veterinary technician applicants; and to provide for waiving continuing education requirements for retired licensees when the Board determines the licensee is no longer practicing. The general authority for these rules, as cited by the board, is SDCL 36-12-19.1 and 36-12-21.2.

A public hearing will be held at the Ramkota Hotel Best Western, Viking Room, 3200 W. Maple St., Sioux Falls, South Dakota 57107, on August 16, 2005, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Veterinary Medical Examining Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the board office by August 12, 2005, 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 forty-eight hours before the hearing.

Department of Revenue and Regulation: Commission on Gaming: (July 27, 2005) is proposing to amend racing rules as follows: provide a new basis for summary suspension of licensure – when a licensee fails to pay a fine imposed by the deadline allowed, require

permission of the Board of Stewards before payment of another licensee's fine is allowed, require a mandatory suspension of licensure for individuals who do not pay fines within established deadlines, eliminate reference to the Association of Racing Commission International in the reinstatement procedure rule and to recognize that there are more than one pari-mutuel associations for racing, and eliminate the reference to the Association of Racing Commissioners International from the rule regarding procedures for denied licenses, recognizing the expansion of pari-mutuel regulatory associations. Regarding the Deadwood Gambling rules, adopt a variation of play of the game of poker known as Heads Up Poker Challenge. The general authority for these rules, as cited by the commission, is 42-7-56 and 42-7B-7.

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on Tuesday, August 30, 2005, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 425 East Capitol Avenue, Pierre, South Dakota 57501. Materials sent by mail must reach the Commission on Gaming by August 30, 2005, to be considered. However, the Commission requests that all written comments be received by Wednesday, August 24, 2005, to allow for adequate consideration prior to the hearing. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:**Executive Appointments:**

Randy Bacon, Aberdeen, was appointed on July 21, 2005, to the **Board of Technical Professions**, to replace Warren Fisk, effective immediately and shall continue until April 14, 2008.

Chet Groseclose, Sioux Falls, was reappointed on July 21, 2005, to the **South Dakota State Railroad Board**, effective immediately and shall continue until June 30, 2009.

Jack Parliament, Sioux Falls, was reappointed on July 21, 2005, to the **South Dakota State Railroad Board**, effective immediately and shall continue until June 30, 2009.

Hani Shafai, Rapid City, was reappointed on July 21, 2005, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2008.

Lynn Boettcher Fjellanger, Sioux Falls, was reappointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2008.

Bernie Christenson, Pierre, was appointed on July 22, 2005, to the **State Board of Medical and Osteopathic Examiners**, effective immediately and shall continue until June 30, 2008.

Dr. Jessie Easton, Sioux Falls, was reappointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2008.

Alex A. Falk, Aberdeen, was appointed on July 22, 2005, to the **State Board of Medical and Osteopathic Examiners**, effective immediately and shall continue until June 30, 2008.

Travis Hamilton, Okreek, was reappointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2008.

Brady Kerkman, Pierre, was reappointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2008.

Thomas W. Kober, Sioux Falls, was reappointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2008.

Dorothy LeBeau, Mission, was appointed on July 22, 2005, to the **Hagen-Harvey Memorial Scholarship Board**, to replace Bruce Bad Moccasin, effective immediately and shall continue until June 30, 2006.

Milton G. Mutch, Jr., Sioux Falls, was reappointed on July 22, 2005, to the **State Board of Medical and Osteopathic Examiners**, effective immediately and shall continue until June 30, 2008.

Robert R. Raszkowski, Sioux Falls, was appointed on July 22, 2005, to the **State Board of Medical and Osteopathic Examiners**, effective immediately and shall continue until June 30, 2007.

Ron Ronshaugen, Watertown, was reappointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2008.

Dan Rounds, Pierre, was appointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, to replace David Vogel, effective immediately and shall continue until June 30, 2008.

Shelly Schock, Rapid City, was reappointed on July 22, 2005, to the **Board of Vocational**

Rehabilitation, effective immediately and shall continue until June 30, 2008.

Larry Tolzin, Menno, was reappointed on July 22, 2005, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2008.

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>8-4-2005</p>	<p>Game, Fish and Parks</p>	<p>Adopt, amend and repeal rules regarding: private shooting preserves - modify tagging requirements (placement and time of placement) for harvested birds, define tracts of land which do not constitute a "contiguous" tract of land for purposes of issuance of a permit and inclusion within a preserve, repeal reference to public hearings on applications, require division investigations and reporting of findings to the department, and require the department to consider certain factors in issuance of permits for preserves located within 1 mile of a publicly owned shooting area; waterfowl (duck/goose) hunting seasons – modify the daily limit on scaup from 3 to 2, modify the hunting season dates for certain ducks in the High Plains Zone, modify and define areas previously in a Special Goose Unit to be included within Goose Hunting Unit 2, modify the hunting season dates in certain Goose Hunting Units, reduce the daily bag limit on white-fronted geese from 2 to 1, and (by reason of yet to be determined federal regulations within the federal framework relating to migratory birds which will not be known until time of Hearing) the Commission will possibly consider and make other modifications to the daily bag limits and possession limits of certain waterfowl and hunting season dates and length of applicable seasons for certain waterfowl in the various areas and applicable zones (all to be in compliance with and inclusive of regulations permitted within the adopted Federal framework); public water zoning – in Marshall County create a "no boating zone" on certain waters within Piyas Lake during certain</p>
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		periods of time; mountain lion hunting season and license fees – establish a mountain lion hunting season and the license fee for issuance of the applicable licenses; continued hearing on park concession leases – modification of regulations relative to the park concession leases: definitions, general provisions, expiration or amendment of lease, and sale of interest in lease; 32 SDR 11.
8-16-2005	Agriculture: Veterinary Medical Examining Board	Amend rules to provide for a single Exam Board member to conduct interviews of veterinary technician applicants for registration; to provide for the national exam to be the sole written examination for veterinary technician applicants; and to provide for waiving continuing education requirements for retired licensees when the Board determines the licensee is no longer practicing; 32 SDR 21.
8-25-2005	Revenue and Regulation: Real Estate Commission	Adopt and amend rules to clarify appointed agent procedures regarding disclosure and confidentiality, to repeal forms in appendices by establishing contents of forms prescribed by the Real Estate Commission, and to update materials incorporated by reference; 32 SDR 11.
8-30-2005	Revenue and Regulation: Gaming Commission	Amend racing rules as follows: provide a new basis for summary suspension of licensure – when a licensee fails to pay a fine imposed by the deadline allowed, require permission of the Board of Stewards before payment of another licensee's fine is allowed, require a mandatory suspension of licensure for individuals who do not pay fines within established deadlines, eliminate reference to the Association of Racing Commission International in the reinstatement procedure rule and to recognize that there are more than one pari-mutuel associations for racing, and eliminate the reference to the Association of Racing Commissioners International from the rule regarding procedures for denied licenses, recognizing the expansion of pari-mutuel regulatory associations. Regarding the Deadwood Gambling rules, adopt a variation of play of the game of poker known as Heads Up Poker Challenge; 32 SDR 21.

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.

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