

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., October 15, 2012

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

Department of Labor and Regulation:

Unemployment Insurance: (October 10, 2012) is proposing to amend rules to change the name from Department of Labor to the Department of Labor and Regulation and to change the General Authority and Law Implemented citations so they correctly refer to re-numbered statutes.

Two changes of substance increase the amount of unpaid employer contributions due before the Department begins collection action from \$5 to \$25 and consider participation by an unemployment benefit applicant in a Department approved reemployment services program to be "actively seeking work." The general authority of these rules, as cited by the department, is SDCL § 61-1-1, 61-1-27, 61-1-54, 61-2-15.5, 61-3-2, 61-5-23, 61-5-35, 61-5-42, 61-6-1, 61-6-2, 61-6-15.1, 61-6-21, 61-6-42, 61-7-1, and 61-7-8.

A public hearing will be held at the Aberdeen Administrative Office, 420 S Roosevelt Street, Aberdeen, South Dakota, on November 14, 2012, at 1:30 p.m. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing at the hearing or by sending them to the South Dakota Department of Labor and Regulation, Attn: Don Kattke, 811 E. 10th Street, Dept. 41, Sioux Falls, South Dakota 57103-1650. Copies of the proposed rules may be obtained without charge at the above address. Material sent by mail must reach the Department of Labor and Regulation by November 9, 2012, to be considered. Persons who have special needs for which the

department can make arrangements are asked to call (605) 367-5354 at least 48 hours before the hearing.

Department of Health: Health and Medical Services: (October 10, 2012) is proposing to update rules to be reflective of industry standards. The general authority for these rules, as cited by the department, is SDCL §§ 34-1-16.1 and 34-1-17.

A public hearing will be held at the Hayes Building, Room 107, 600 East Capitol Avenue, Pierre, South Dakota, on November 7, 2012, at 11:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota, 57501. Copies of the proposed rules may also be obtained at the Health Department website: <http://doh.sd.gov/News>. Written comments must be received by November 17, 2012, 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) 773-3361 at least 48 hours before the public hearing.

Department of Game, Fish and Parks:

(October 11, 2012) intends to amend Park Licenses rules to increase the annual park entrance license fees; amend Camping Permits and Rules to add South Scalp Creek, White Swan and Walth Bay lakeside use areas to the list of areas that require a basic campground fee, increase the daily group lodge fee at Mina State Recreation Area and at Shadehill State Recreation Area and increase the daily group lodge fee at Lake Thompson State Recreation

Area, Palisades State Park and Newton Hills State Park; and repeal ARSD §§ 41:03:04:09 and 41:03:04:10.01 and modify ARSD § 41:03:04:10 to establish one rule pertaining to campsite occupancy; amend License Forms and Fees rules that would increase the following nonresident license fees: Small Game, Shooting Preserve (annual), Shooting Preserve (1 day), Shooting Preserve (5 day), Waterfowl (10 day /annual), and Waterfowl (3 day); amend General Provisions rules that would repeal authorizing use of artificial lights while fishing with legal methods; amend Fishing Season rules that would amend the section pertaining to special management waters; amend Fish Limits rules that would repeal the rule which provides that a one-day fishing licensee can possess no more than one day's limit of fish; modify ARSD § 41:07:03:03 (daily, possession, and length limit restrictions on special management waters); and in Lake Oahe, the daily limit for walleye, sauger, walleye-sauger hybrids, or combinations thereof is 8 and of the walleye taken daily no more than four may be 15 inches or greater in length, with a possession limit of 24; amend Snagging of Paddlefish rules that would remove transportation restrictions on paddlefish harvested during the May season on Lake Francis Case; amend Spearing rules that would repeal the rule section pertaining to the season and areas open to taking of catfish without limit, modify the rule section pertaining to areas open to spearing of game fish, and add language allowing a year-round season for take of catfish on the Missouri River system; amend Hoop Nets and Setlines rules to repeal the rule establishing the minimum length of catfish which may be taken by hoop net, trap, or setline, repeal the rule which prohibits use of baitfish and establishes specific types of bait which may be used on setlines, lengthen the season from May 1 through October 31 to year-round for all South Dakota inland waters open to hoop net or setline use, and expand areas on the mainstream Missouri River system open to use of hoop nets and setlines; amend Turtles rules to clarify that legal methods of taking turtles include "legal spears" and turtle traps; amend Bait (waters

open to taking of bait) rules to change the heading of the rule section to "Waters closed to the taking of bait" and close certain waters to the commercial and noncommercial taking of bait by those methods listed in ARSD § 41:09:04:04; amend a Bait (seines, nets and traps limited) rule that would clarify that the department may issue permission to use seines, nets and traps larger than those specified in the current rule in association with the department's approval to stock public waters with white suckers for rearing and harvest; amend a Bait (transportation by dealers – inspection) rule that would repeal ARSD § 41:09:04:11; amend Bait (transportation of other fish by bait dealer) rules that would change the heading of the rule section (ARSD § 41:09:04:12) to "Transportation of bait and other fish by bait dealer" and add a provision which requires transportation equipment to allow for inspection of bait and other fish at all times; amend a Bait (records required) rule to provide bait dealers the option to prepare and maintain required records in an electronic format; amend Aquatic Nuisance Species rules to add certain species to the list of aquatic nuisance species and modify the current rules pertaining to watercraft restrictions and aquatic nuisance species inspections (ARSD § 41:10:04:03) by separating it into two rules. The general authority of these rules, as cited by the department, is SDCL §§ 41-2-18, 41-2-24, 41-6-10, 41-6-18.2, 41-6-19.6, 41-17-1.1, 41-17-13, 41-17-13.4, and 41-17-15.

A public hearing will be held at Camp Lakodia Hall, 45156 235th Street, Madison, South Dakota, on November 1, 2012, 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 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.

NOTICE:

The South Dakota Lottery is ending instant ticket game numbers 393 – Match 3 Tripler, 398 – Rooster Racin', 406 – Black Hills Gold, 409 – Ruby Red Slingo, 417 – Prairie Dog Bingo, and 418 – South Dakota Gold. The last day that prizes will be paid for these games is March 25, 2013.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 141:06:01:11.

History-Notice: 39 SDR 59, Oct. 1, 2012
 Hearing: N/A
 Filed: October 9, 2012

Effective: October 9, 2012

Executive Order:

The Governor has signed **Executive Order 2012-12** dated October 9, 2012. This order establishes the membership and terms for the South Dakota Council for Interstate Adult Supervision. The Council will implement the requirements of SDCL ch. 21-16A, the Interstate Compact for Adult Offender Supervision. This order shall expire on December 31, 2017. A copy of the Executive Order is available on the Secretary of State's website.

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

10-16-2012	Social Services: Division of Economic Assistance	Amend rules to update payment standards regarding the Temporary Assistance for Needy Families program; 39 SDR 55.
10-18-2012	Labor and Regulation: Division of Labor and Management	Amend rules to revise the workers compensation fee schedule; 39 SDR 55.
10-25-2012	Transportation	Amend Tourist-Oriented Directional Signing – on Right-of-Way rules to amend the definition of "tourist-oriented directional signing" to exclude specific reference to businesses selling seasonal agricultural products as a type of qualifying business for signage; clarify that a business must be both a tourist-oriented and a rural business, and must comply with all federal and state non-discrimination in public accommodations requirements; eliminate references to rural businesses as a separate

		category of qualifying businesses; clarify that a TOD sign is to be located at the intersection nearest the business; clarify the conditions under which an existing TOD sign must be removed; eliminate unnecessary verbiage; repeal the criteria for arrangement and size of signs; provide that the specifications for signing design, style, lettering, arrangement, size, and location must conform to the Manual on Uniform Traffic Control Devices; provide for the allowance of generic symbols of the business activity on TOD signing, and establish the criteria for approval of specific symbols; 39 SDR 59.
10-25-2012	Bureau of Human Resources: Civil Service Commission	Amend rules to bring the state's civil service system and the law enforcement civil service system into conformity with the legislature's adoption of House Bill 1028, SDCL §§ 3-6C, 3-6D, and 3-6F, and to allow the longevity payment to be paid within the pay period of which the employee's annual year of service date occurs; 39 SDR 63.
10-30-2012	Public Safety: 911 Coordination Board	Amend rules to repeal surcharges procedures which are outdated under current law; make the State 911 Board the authority on accepting emergency medical dispatch programs rather than Law Enforcement Training; specify that all annual fiscal reports must be submitted to the State 911 Board by March 31 st of each calendar year; address when 911 surcharge funds may or may not be used for communication equipment and physical addressing costs; and set forth the procedure for determining public answering points' compliance with rules to receive 911 funds as set forth in SDCL § 34-45-8.5; 39 SDR 63.
11-1-2012	Game, Fish and Parks	Amend Park Licenses rules to increase the annual park entrance license fees; amend Camping Permits and Rules to add South Scalp Creek, White Swan and Walth Bay lakeside use areas to the list of areas that require a basic campground fee, increase the daily group lodge fee at Mina State Recreation Area and at Shadehill State Recreation Area and increase the daily group lodge fee at Lake Thompson State Recreation Area, Palisades State Park and Newton Hills State Park, and repeal ARSD §§ 41:03:04:09 and 41:03:04:10.01 and modify

		<p>ARSD § 41:03:04:10 to establish one rule pertaining to campsite occupancy; amend License Forms and Fees rules that would increase the following nonresident license fees: Small Game, Shooting Preserve (annual), Shooting Preserve (1 day), Shooting Preserve (5 day), Waterfowl (10 day /annual), and Waterfowl (3 day); amend General Provisions rules that would repeal authorizing use of artificial lights while fishing with legal methods; amend Fishing Season rules that would amend the section pertaining to special management waters; amend Fish Limits rules that would repeal the rule which provides that a one-day fishing licensee can possess no more than one day's limit of fish; modify ARSD § 41:07:03:03 (daily, possession, and length limit restrictions on special management waters) and in Lake Oahe, the daily limit for walleye, sauger, walleye-sauger hybrids, or combinations thereof is 8 and of the walleye taken daily no more than four may be 15 inches or greater in length, with a possession limit of 24; amend Snagging of Paddlefish rules that would remove transportation restrictions on paddlefish harvested during the May season on Lake Francis Case; amend Spearing rules that would repeal the rule section pertaining to the season and areas open to taking of catfish without limit, modify the rule section pertaining to areas open to spearing of game fish, and add language allowing a year-round season for take of catfish on the Missouri river system; amend Hoop Nets and Setlines rules to repeal the rule establishing the minimum length of catfish which may be taken by hoop net, trap, or setline, repeal the rule which prohibits use of baitfish and establishes specific types of bait which may be used on setlines, lengthen the season from May 1 through October 31 to year-round for all South Dakota inland waters open to hoop net or setline use, and expand areas on the mainstream Missouri River system open to use of hoop nets and setlines; amend Turtles rules to clarify that legal methods of taking turtles include "legal spears" and turtle traps; amend Bait (waters open to</p>
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<p>11-7-2012</p>	<p>Health: Health and Medical Services</p>	<p>Update rules to be reflective of industry standards; 39 SDR 67</p>
<p>11-14-2012</p>	<p>Labor and Regulation: Unemployment Insurance</p>	<p>Amend rules to change the name from Department of Labor to the Department of Labor and Regulation and to change the General Authority and Law Implemented citations so they correctly refer to re-numbered statutes. Two changes of substance increase the amount of unpaid employer contributions due before the Department begins collection action from \$5 to \$25 and consider participation by an unemployment benefit applicant in a Department approved reemployment services program to be "actively seeking work"; 39 SDR 67</p>

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, November 13, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: December 19.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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