

REGISTER



South Dakota Legislative Research Council

Volume 39

Tuesday, 8:00 a.m., November 13, 2012

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

Department of Revenue: Division of Property and Special Taxes: (November 7, 2012) intends to amend rules to update manuals to current version and ensure that the language of the rules is consistent; provide the conditions under which a county director or their deputies may transmit a notice of assessment electronically; and provide the conditions under which a county treasurer or their deputies may transmit a written tax bill, notice of delinquent property, or notice of sale of real property electronically. The general authority for these rules, as cited by the department, is SDCL §§ 10-1-15, 10-1-16.1, 10-3-1.2, and 10-6-33.13.

A public hearing will be held in the Anderson Building, Room 109, 445 E. Capitol Avenue, Pierre, South Dakota, on November 30, 2012, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing John.Richter@state.sd.us. Copies of the rules are also available at the department's website:

<http://www.state.sd.us/drr2/PTRULES2012.pdf>

Material sent by mail must reach the department by December 10, 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) 773-4701 at least 48 hours before the hearing.

Department of Game, Fish and Parks:

(November 7, 2012) intends to amend Spring Wild Turkey Hunting Season rules to establish the number of licenses/tags available which will include offering residents 105 less one-tag "male turkey" and 200 less two-tag "any turkey" licenses for the Prairie Units than authorized in 2012; and offering nonresidents 16 less two-tag "any turkey" licenses for the Prairie Units than authorized in 2012; and modify spring unit boundaries for the Black Hills and Meade County (Unit 49A) to be consistent with Fall turkey unit boundaries; and amend a Uses of Parks and Public Lands' rule to allow 10 resident archery licensees to hunt at Blood Run Nature Area and 10 resident archery licenses to hunt at Adams Homestead and Nature Preserve utilizing "access permits" valid from April 6 through April 30 to be issued by lottery drawing. The general authority of these rules, as cited by the department, is SDCL §§ 41-2-18, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Best Western Ramkota Conference Center, 920 West Sioux Avenue, Pierre, South Dakota, on December 6, 2012, at 2:00 p.m. CST. 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.

Department of Health: Board of Examiners in Optometry: (November 9, 2012) intends to amend rules to clarify language on testing for licensure; remove obsolete language on examination and certification requirements to prescribe pharmaceutical agents, and on glaucoma and ocular hypertension and list of approved institutions; clarify advertising requirements; remove outdated requirements; and update clinical procedural codes. The general authority for these rules, as cited by the board, is SDCL §§ 36-7-12, 36-7-15 and 36-7-15.1, and 36-7-31.

A public hearing will be held at the Tieszen Law Office, Prof. L.L.C., 306 East Capitol, Suite 300, Pierre, South Dakota, on December 3, 2012, at 6:30 p.m. (CST). Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Examiners in Optometry, Executive Secretary, P. O. Box 6, Langford, South Dakota 57454. Written comments must be received by November 29, 2012, 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 Tieszen Law Office, Prof. L.L.C., telephone (605) 224-1500 before the hearing.

NOTICE:

The **South Dakota Lottery** is ending instant ticket game numbers 410 – Fireball 7’s, 411 – Double Wild Jacks and 413 – Bonus Word Cashword. The last day that prizes will be paid for these games is May 6, 2013.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Karen S. Wiemers, Chamberlain, was reappointed on November 1, 2012, to the **Board of Examiners of Psychologists**, effective immediately and shall continue until October 30, 2015.

Todd W. Herrboldt, Harrisburg, was reappointed on November 2, 2012, to the **Board of Social Work Examiners**, effective immediately and shall continue until October 30, 2015.

Ginger Johnson, Sturgis, was reappointed on November 2, 2012, to the **Board of Social Work Examiners**, effective immediately and shall continue until October 30, 2015.

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

11-14-2012	Labor and Regulation: Unemployment Insurance	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
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		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.
11-15-2012	Secretary of State: Board of Elections	Amend rules to implement legislation concerning the voting rights of those serving a sentence for a felony conviction; update the voter registration form; implement legislation concerning vote centers; and allow the person in charge of the election to designate the ballot face on the ballot; 39 SDR 81.
11-26-2012	Health: Health Systems Development and Regulation	Adopt rules to establish additional criteria pertaining to the authorization of additional nursing home beds within Rapid City, based on the identified need for additional beds; 39 SDR 88.
11-26-2012	Social Services: Child Protection Services	Amend rules to define host families and reference applicable licensing provisions and specify training requirements for host family volunteers; 39 SDR 88.
11-28-2012	Revenue: Gaming Commission	Amend Horse Racing rules to remove the requirement for associations to provide boxes and pits for refuse collection; require the clerk of scales to weigh in jockeys at least 45 minutes prior to the race; remove the requirement that the printer of program be licensed and be responsible for program content; remove the requirement that an owner or trainer consent for jockey to carry over two pounds overweight; allow trainers to waive apprentice allowance for selected races; remove the requirement for horses' equipment to have head numbers; remove the requirement that names of the sire and dam of a horse be listed on entry forms; repeal a rule regarding horses entered for a purse must be starters because the rule is ambiguous; eliminate stakes rules on tracks of less than one mile circumference; allow two horses owned by the same ownership to be uncoupled for wagering in daily double races; repeal restriction on daily double entries; allow the apprentice jockey weight allowance to be waived in

		<p>selected areas; delete the requirement that if a South Dakota bred race is cancelled, it must be rescheduled; delete the requirement for a second drawing of horses from the also eligible list to compete in a race; increase the maximum time for close of entries on an overnight race from 72 hours to 96 hours; delete authorization for use of Meclofenamic acid; and amend Gaming rules to identify an independent contractor for slot machine manufacturing purposes; declare independent contractors exempt from licensing requirements; provide a process whereby independent contractors can be deemed suitable or unsuitable by the Commission; identify what can occur in the event the Commission deems an independent contractor unsuitable; require that agreements between licensed manufacturers and unlicensed independent contractors may be terminated under certain circumstances; set forth manufacturers' responsibilities when using unlicensed independent contractors; and define "control program" for use in independent contractors arrangements with licensed manufacturers; 39 SDR 87.</p>
11-29-2012	Transportation	<p>Amend a Traffic Safety rule restricting parking along U.S. Highway 16 in Rapid City (Mt. Rushmore Road) to prohibit parking on either side of the highway from its intersection with Tower Road to Omaha Street; 39 SDR 87.</p>
11-30-2012	Revenue: Property and Special Taxes	<p>Amend rules to update manuals to current version and ensure that the language of the rules is consistent; provide the conditions under which a county director or their deputies may transmit a notice of assessment electronically; and provide the conditions under which a county treasurer or their deputies may transmit a written tax bill, notice of delinquent property, or notice of sale of real property electronically; 39 SDR 93.</p>
12-1-2012	Health: Board of Chiropractic Examiners	<p>Amend rules to clarify language regarding the use of contracts; implement use of informed consent; update language in advertising and solicitation to include social media; update composition and qualifications of ethics, disciplinary and peer review committee members; repeal chapter regarding chiropractic</p>

		facilities; and correct a typographical error in peer review procedure; 39 SDR 81.
12-3-2012	Health: Board of Examiners in Optometry	Amend rules to clarify language on testing for licensure; remove obsolete language on examination and certification requirements to prescribe pharmaceutical agents, and on glaucoma and ocular hypertension and list of approved institutions; clarify advertising requirements; remove outdated requirements; and update clinical procedural codes; 39 SDR 94.
12-6-2012	Game, Fish and Parks	Amend Spring Wild Turkey Hunting Season rules to establish the number of licenses/tags available which will include offering residents 105 less one-tag "male turkey" and 200 less two-tag "any turkey" licenses for the Prairie Units than authorized in 2012; and offering nonresidents 16 less two-tag "any turkey" licenses for the Prairie Units than authorized in 2012; and modify spring unit boundaries for the Black Hills and Meade County (Unit 49A) to be consistent with Fall turkey unit boundaries; and amend a Uses of Parks and Public Lands' rule to allow 10 resident archery licensees to hunt at Blood Run Nature Area and 10 resident archery licenses to hunt at Adams Homestead and Nature Preserve utilizing "access permits" valid from April 6 through April 30 to be issued by lottery drawing; 39 SDR 93.
12-12-2012	Board of Regents	Amend rules to allow students an opportunity to complete coursework in Career and Technical education, allow for students pursuing alternative forms of instruction to establish initial eligibility in the program, and provide eighth semester funding to students who graduate a semester early; 39 SDR 75.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, November 13, 2012, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – Northern State University, 1200 S. Jay St., Room Lib 117; Mitchell – Mitchell Technical Institute, 1800 E. Spruce, Room TC 155; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; and Yankton – DOT, 1306 W. 31st St. 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>.

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 39 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 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.aspx>).
