

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., November 16, 2009

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

Secretary of State: Board of Elections:

(November 9, 2009) intends to amend rules to allow additional mailing options for certain notices; provide additional information in the notice of voter registration deadline; clarify retention provisions for certain notices; correct the ballot format for special districts; add a title and attorney general explanation to ballot question petitions; provide for representation area designation on school board petitions; clarify the use of a hand-count during a recount; add language to absentee voting materials to accommodate independents voting in the primary and military and overseas voters requesting voting materials electronically; and adding a definition for over vote. The general authority for these rules, as cited by the office, is SDCL 12-1-9, 12-4-35, 12-17B-7, 12-17B-17, 12-19-2, 12-19-2.5, 12-20-13.4, and 12-20-52.

A public hearing will be held on December 9, 2009, at 9:00 a.m. CST in Dakota Digital Network locations at the State Capitol, 500 E. Capitol Avenue, Room A, Pierre, South Dakota 57501; University of South Dakota State University, 2205 Career Place, University Center Building, Sioux Falls, South Dakota 57107; Redfield Department of Human Services, 17267 W. 3rd Street, Redfield, South Dakota 57469; Rapid City Department of Health, 909 E. St. Patrick Street #7 (Midland Shopping Center), Rapid City, South Dakota 57709; and the Grant County Courthouse, 220 East 5th Avenue, Milbank, South Dakota 57252. Copies of the proposed rules may be obtained without charge from and written comments sent

to the Secretary of State, Election Department, 500 East Capitol, Pierre, South Dakota 57501 or the proposed rules may be obtained at www.sdsos.gov/electionsvoteregistration/boardofelections.shtm. Written comments must be received on or before December 7, 2009, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

Department of Game, Fish and Parks:

(November 10, 2009) intends to adopt an EMERGENCY rule to increase the number of licenses the Game, Fish and Parks Commission has authorized the Department to issue for the 2009 East River Deer Hunting Season from the original quota of 21,920 licenses to a new total of 22,393, an increase of 473 licenses due to a computer error which took place during the normal drawing process. The general authority for this rule, as cited by the department, is SDCL 41-2-18 and 41-6-21.

A teleconference meeting is scheduled for November 19, 2009, at 4:00 p.m. (CST). A copy of the proposed emergency rule may be obtained from the Department of Game, Fish and Parks, 523 East Capitol Avenue, Pierre, South Dakota 57501.

Department of Game, Fish and Parks:

(November 12, 2009) intends to amend a Uses of Parks and Public Lands rule to change the spring wild turkey hunting season unit from PST 55B to PST 48A (Marshall and Roberts Counties) and change the season ending date for the unit to eight days prior to Memorial Day; amend a Camping Permits and Rules rule to

require same-day reservation campers to occupy their reserved campsite by no later than 10:00 p.m. on the first night of their reservation or pay a cancellation fee and forfeit the remainder of their reservation; amend Spring Wild Turkey Hunting Season rules to establish season dates, requirements and restrictions; establish the number of licenses/tags available which will include offering residents 220 more one-tag "male turkey" and 50 more two-tag "any turkey" licenses for the Prairie Units than 2009; eliminate the split season for Deuel, Grant, and Hamlin County units (23A&B, 29A&B, and 32A&B) and create one unit for each county (23A, 29A, and 32A, respectively) with one season; open Jerauld County to statewide archery hunting; and change the end of the spring wild turkey hunting season from the third Sunday of May to eight days prior to Memorial Day; and amend a Waterfowl Hunting Season rule to retain the light goose Conservation Order and establish requirements and restrictions, season dates, open area, daily bag and possession limits for light geese; and change the dates for the light goose Conservation Order from February 14 through May 3 to opening statewide beginning on the 106th day from the Saturday closest to November 1 for 79 consecutive days (2010 season dates would begin February 13 and end on May 2). The general authority for 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 Ramkota RiverCentre Convention Center, 902 W. Sioux Avenue, Pierre, South Dakota, on December 3, 2009, 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 Avenue, 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 chuck.schlueter@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.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

Bob Fischer, Custer, was appointed on November 5, 2009, to the **South Dakota Public Safety Communications Council**, to replace Christopher Lewis, effective November 5, 2009, and shall continue until June 30, 2010.

Executive Order:

The Governor has signed **Executive Order 2009-09** dated November 9, 2009. The Governor has waived the requirements of SDCL 49-28A-3 and 49 CFR Part 395 of the U.S. Department of Transportation Motor Carrier Safety Regulations because an emergency exists due to the extremely low inventory of propane. The transportation and delivery of propane into or within South Dakota shall be exempt from the federal hours of service regulations. This order will expire upon the conclusion of the emergency or no later than midnight, November 29, 2009.

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

11-17-2009	Agriculture: Division of Agricultural Services	Amend and adopt rules to allow the sale of raw milk with oversight by the SD Department of Agriculture; 36 SDR 62.
11-17-2009	Revenue and Regulation: Property and Special Taxes	Amend rules to update manuals to current version; update real estate abstract classes and remove NA-Z and NA-Z1 classes due to the repeal of NA-Z statutes and change to productivity valuation of agricultural land; adopt and repeal rules due to a change in law relating to the calculation of NA-Z properties and productivity valuation of agricultural land; and adopt rules that would make malt beverages more consistent with similar rules that affect all other alcoholic beverages; 36 SDR 75.
11-19-2009	Human Services: Division of Alcohol & Drug Abuse	Amend rules to reflect the current process used to track information and remove outdated information both in definition and throughout the administrative rule; clarify the time period required to complete the treatment plan depending on the level of care; correct an incorrect administrative rule citation in ARSD 46:05:15:05; for Level 1.0, allows a new exception of a weekly progress note if no counseling is provided and clarifies the maximum amount of counseling services to be provided in a one week period; 36 SDR 81.
11-19-2009	Game, Fish and Parks	Adopt an EMERGENCY rule to increase the number of licenses the Game, Fish and Parks Commission has authorized the Department to issue for the 2009 East River Deer Hunting Season from the original quota of 21,920 licenses to a new total of 22,393, an increase of 473 licenses due to a computer error which took place during the normal drawing process; 36 SDR 89.
11-24-2009	Revenue and Regulation: Commission on Gaming	Amend Racing rules to repeal the limit on number of trainers; change the date that education courses are required from January 1, 2010, to January 31, 2012; and repeal the time for claiming payments from pari-mutuel pool; amend Gaming rules to clarify that coins and currency can be inserted into slot machines; and adopt a rule to require patrons to actively be engaged in playing slot machines in order to

		be entitled to credits or payouts; 36 SDR 61.
12-3-2009	Game, Fish and Parks	Amend a Uses of Parks and Public Lands rule to change the spring wild turkey hunting season unit from PST 55B to PST 48A (Marshall and Roberts Counties) and change the season ending date for the unit to eight days prior to Memorial Day; amend a Camping Permits and Rules rule to require same-day reservation campers to occupy their reserved campsite by no later than 10:00 p.m. on the first night of their reservation or pay a cancellation fee and forfeit the remainder of their reservation; amend Spring Wild Turkey Hunting Season rules to establish season dates, requirements and restrictions; establish the number of licenses/tags available which will include offering residents 220 more one-tag "male turkey" and 50 more two-tag "any turkey" licenses for the Prairie Units than 2009; eliminate the split season for Deuel, Grant, and Hamlin County units (23A&B, 29A&B, and 32A&B) and create one unit for each county (23A, 29A, and 32A, respectively) with one season; open Jerauld County to statewide archery hunting; and change the end of the spring wild turkey hunting season from the third Sunday of May to eight days prior to Memorial Day; and amend a Waterfowl Hunting Season rule to retain the light goose Conservation Order and establish requirements and restrictions, season dates, open area, daily bag and possession limits for light geese; and change the dates for the light goose Conservation Order from February 14 through May 3 to opening statewide beginning on the 106 th day from the Saturday closest to November 1 for 79 consecutive days (2010 season dates would begin February 13 and end on May 2); 36 SDR 89.
12-9-2009	Secretary of State: Board of Elections	Amend rules to allow additional mailing options for certain notices; provide additional information in the notice of voter registration deadline; clarify retention provisions for certain notices; correct the ballot format for special districts; add a title and attorney general explanation to ballot question petitions; provide for representation area designation on school board petitions; clarify

		the use of a hand-count during a recount; add language to absentee voting materials to accommodate independents voting in the primary and military and overseas voters requesting voting materials electronically; and adding a definition for over vote; 36 SDR 89.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 18, 2009, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – DOT, 901 Dakota St.; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB109; and Sioux Falls – SFUC, 2205 Career Ave., Room 282S. The committee chair has set the following tentative meeting schedule for the 2009 interim: December 15.

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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