

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., March 12, 2012

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

Department of Game, Fish and Parks:

(March 8, 2012) intends to amend a Park License rule to increase the daily fee for not displaying a valid park entrance license from \$10 to \$15 in Custer State Park (fee remains \$10 per day in all other state parks) and allow the operator or registered owner of a vehicle to apply the entire amount of the cost assessed for not displaying a valid park entrance license toward the purchase of an annual park entrance license; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on Tilford Road to I-90; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available; amend Custer State Park Deer Hunting Season rules to eliminate the 35 one-tag "muzzleloader antlerless whitetail deer licenses" in Unit CUD-CU3, and remove the language in existing rule which establishes a 300 foot no hunting zone along paved public access roadways in Custer State Park; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses, and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on Tilford Road to I-90, and eliminate the archery season for Unit 30A; amend a Custer State Park Late Archery Elk Hunting

Season rule to reduce the number of "any elk" licenses which will close the Custer State Park late archery elk hunting season; amend a Black Hills Bighorn Sheep Hunting Season rule to reduce the number of licenses available in Unit 1; and amend a Prairie Elk Hunting Season rule to adjust the total number of licenses available for "any elk" and "antlerless elk" licenses, add Unit 27 (Fall River County) to include that portion of Fall River County south of the Cheyenne River and west of Highway 385 (Season dates: September 1-October 31), adjust the season dates for Unit 09A (portions of Butte and Lawrence Counties) from September 1-October 31 to provide for a split season of September 15-October 31 and December 1-5, and adjust the season dates for Unit 30A (portions of Gregory County and portions of Boyd County, NE) for the 2012 season to September 29-October 28 and December 1-21, which will make the season dates coincide with the dates established by Nebraska for this shared elk hunting unit. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-17-1.1, and 41-17-13.

A public hearing will be held at the Swiftel Center, 824 – 32nd Ave., Brookings, South Dakota, on April 4, 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 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 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.

**FILINGS IN THE SECRETARY OF
STATE'S OFFICE:** (None)

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

3-14-2012	Revenue: Commission on Gaming	Amend a Racing rule to clarify that wagers through multi-jurisdictional totalizator hubs are done without using simulcast site facilities or equipment; amend Gaming rules to clarify that the bonus bet is an optional bet and to clarify when the three card option should be utilized with the play Let it Ride; add an additional pay table to Ultimate Texas Hold'em; add a variation of poker known as Casino War; delete the reference to meter sign reconciliation; clarify which forms are to be used in a jackpot payout; remove a function that is not a count team function and clarify the rule; clarify which forms are to be used whenever funds are distributed to a slot machine; address storage issues for operators due to the large number of vouchers redeemed daily; and adopt the 2009 edition, including appendix chapters, of the International Building Code; 38 SDR 139.
3-22-2012	Transportation	Amend Tourist-Oriented Directional Signing-on Right of Way rules to prohibit tourist-oriented directional signage from being located within the corporate limits of a municipality; prohibit tourist-oriented directional signage for a business located within the corporate limits of a municipality; and provide specifications for the size, coloring, and design requirements for tourist-oriented directional signing; 38 SDR 147.
3-26-2012	Health: Board of Dentistry	Amend rules to remove obsolete provisions and references, update references, clarify existing rules relating to requirements of dentists and dental hygienists seeking

		<p>licensure, clarify existing rules relating to foreign trained dentists and dental hygienists seek licensure, amend continuing education requirements to increase the number of hours of home study courses that can be claimed in a five year continuing education cycle, clarify cardiopulmonary resuscitation courses that are accepted, extend corporation renewal deadline, increase fees across licensee and registrant categories, and implement collaborative supervision rules; 38 SDR 139.</p>
3-28-2012	Agriculture: State Brand Board	<p>Adopt rules to increase the fee for replacing a duplicate brand certificate and increase the per head inspection fee for livestock ownership inspection; 38 SDR 147.</p>
4-3-2012	Game, Fish and Parks	<p>Amend a Park License rule to increase the daily fee for not displaying a valid park entrance license from \$10 to \$15 in Custer State Park (fee remains \$10 per day in all other state parks) and allow the operator or registered owner of a vehicle to apply the entire amount of the cost assessed for not displaying a valid park entrance license toward the purchase of an annual park entrance license; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on Tilford Road to I-90; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available; amend Custer State Park Deer Hunting Season rules to eliminate the 35 one-tag "muzzleloader antlerless whitetail deer licenses" in Unit CUD-CU3, and remove the language in existing rule which establishes a 300 foot no hunting zone along paved public access roadways in Custer State Park; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses, and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on</p>

		Tilford Road to I-90, and eliminate the archery season for Unit 30A; amend a Custer State Park Late Archery Elk Hunting Season rule to reduce the number of "any elk" licenses which will close the Custer State Park late archery elk hunting season; amend a Black Hills Bighorn Sheep Hunting Season rule to reduce the number of licenses available in Unit 1; and amend a Prairie Elk Hunting Season rule to adjust the total number of licenses available for "any elk" and "antlerless elk" licenses, add Unit 27 (Fall River County) to include that portion of Fall River County south of the Cheyenne River and west of Highway 385 (Season dates: September 1-October 31), adjust the season dates for Unit 09A (portions of Butte and Lawrence Counties) from September 1-October 31 to provide for a split season of September 15-October 31 and December 1-5, and adjust the season dates for Unit 30A (portions of Gregory County and portions of Boyd County, NE) for the 2012 season to September 29-October 28 and December 1-21, which will make the season dates coincide with the dates established by Nebraska for this shared elk hunting unit; 38 SDR 151.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 3, 2012. The committee chair has set the following tentative meeting schedule for the 2012 interim: May 29, July 10, August 14, September 18, November 13, and December 18.

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>.