

REGISTER

South Dakota Legislative Research Council



Volume 32

Monday, 8:00 a.m., April 17, 2006

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:

(April 14, 2006) intends to amend Park Entrance License Exemptions – a park entrance license will not be required at Rocky Point Recreation Area on July 11, 2006, and on July 15, 2006; amend Restrictions on use of firearms and bow–Exceptions – possession of a bow at the Adams Homestead and Nature Preserve will be permitted during the archery deer season if the person has "any" type of archery deer licenses and a special permit each of which must be valid at the Preserve; amend Archery Antelope Hunting Season – establish the types of licenses/tags available and permitted harvest of antelope for each type of license; amend Archery Deer Hunting Season – modify the season dates in certain areas within the Black Hills; repeal the closure (hunting presently prohibited during the West River Prairie Deer Hunting Season) of the hunting season at the Fort Meade Bureau of Land Management South Unit and North Unit in Meade County; permit persons with certain types of archery deer licenses/tags and a special permit to hunt on the Adams Homestead and Nature Preserve and establish the number of licenses/permits available for issuance to hunt at the Preserve; and repeal the provision which presently prohibits nonresidents who have an "anterless deer" license from hunting in the counties of Union, Lincoln, Minnehaha, and Moody; amend General Muzzleloading Deer Hunting Season – permit a person to acquire 2 muzzleloader deer licenses of any type; amend Youth Deer Season – modify (lengthen) the youth hunting season dates; amend Special Canada Goose Hunting Units Established—Limited permits—

Application – combine the 2 existing hunting Units in Bennett County into 1 Unit and establish the number of licenses available and hunting season dates; and amend Mountain Lion Hunting Season – modify the hunting season dates for the hunting season and establish the harvest limits for certain mountain lions and the restrictions/prohibitions applicable to harvesting a mountain lion in certain areas. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-11-5, 41-17-1.1, and 41-17-13.4.

A public hearing will be held at the Radisson Hotel, 445 Mt. Rushmore Road, Rapid City, South Dakota, on May 4, 2006, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, 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 Noon on the day 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 e-mail to chuck.schlueter@state.sd.us. E-mail 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 STATES OFFICE:

Executive Appointments:

Denny L. Rowley, Madison, was reappointed on April 5, 2006, to the **Petroleum Release Compensation Board**, effective immediately and shall continue until May 1, 2011.

Patricia Adam, Pierre, was reappointed on April 6, 2006, to the **State Historical Society Board of Trustees**, effective immediately and shall continue until April 15, 2009.

Barbara Christianson, Rapid City, was reappointed on April 6, 2006, to the **Career Service Commission**, effective immediately and shall continue until April 22, 2010.

Charles A. Larkin, Watertown, was reappointed on April 6, 2006, to the **South Dakota Real Estate Commission**, effective immediately and shall continue until April 11, 2009.

Paula Lewis, Rapid City, was reappointed on April 6, 2006, to the **South Dakota Real Estate Commission**, effective immediately and shall continue until April 11, 2009.

John E. Miller, Brookings, was reappointed on April 6, 2006, to the **State Historical Society Board of Trustees**, effective immediately and shall continue until April 15, 2009.

Jean (Dawn) Morris, Pierre, was reappointed on April 6, 2006, to the **Career Service Commission**, effective immediately and shall continue until April 22, 2010.

Sam J. Wilson, Sioux Falls, was appointed on April 6, 2006, to the **South Dakota Advisory Council on Aging**, to replace Peg Lamont, effective immediately and shall continue until December 31, 2009.

Executive Orders:

The Governor has signed **Executive Order 2006-03** dated April 11, 2006. Under the authority of SDCL chapter 33-15, the Emergency Management Law, the Governor has granted authority to the Division of Wildland Fire Suppression to augment its response efforts with available assets of the South Dakota National Guard for the 2006 fire season of April 1 through October 31.

The Governor has signed **Executive Order 2006-04** on April 13, 2006. This order creates a tobacco-free environment on all property owned or leased by the State. It applies to all state employees, clients, visitors and other persons who may enter state property. The order allows certain exceptions for areas designated in the order and others designated by Secretary's of the Departments of Human Services, Military and Veterans Affairs, Game, Fish and Parks, and the Commissioner of the Bureau of Administration.

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

4-18-2006	Health: Board of Massage Therapy	Adopt rules to provide for general rules of board governance, provide for applications and licenses for qualified massage therapists, to set fees for licenses and other functions of the board, to provide continuing education
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		requirements, set standards for disciplinary proceedings, and set malpractice insurance limits for massage therapists; 32 SDR 167.
4-19-2006	Environment and Natural Resources: Board of Minerals and Environment	Adopt revisions to federal regulations for the air pollution control program including reinforce plastic composites production, stationary turbines, stationary reciprocating internal combustion engines, and industrial, commercial, and institutional boilers and process heaters; 32 SDR 153.
4-19-2006	Personnel: Career Service Commission	Amend rules to allow for a simplified, expedited appeals procedure under the career service rules and to clarify the time limitations for filing appeals; and to clarify the procedures relating to career service employees who may have become afflicted with a contagious disease; 32 SDR 153.
4-20-2006	Human Services: Certification Board for Alcohol & Drug Professionals	Adopt rules to establish requirements for the certification process as it relates to alcohol and drug professionals in South Dakota; to define terms used within the article; to define certification and recognition levels as it relates to certified alcohol and drug professionals and trainees; application process; fee schedule; academic and experience requirements; define the supervision requirements and duties; define the examination process; continuing professional training requirements; requirements for renewal, upgrade or change of status; complaint process; and national certification and reciprocity; 32 SDR 157.
4-20-2006	Revenue and Regulation: Division of Insurance	Amend rules to require prominent and clear disclosures in Credit Life, Health, and Unemployment Insurance applications and documents; to allow producers to obtain continuing education credit through company sponsored courses; to exempt certain life insurance riders from long term care requirements; to allow a person who maintained a physical residence in South Dakota for at least one year in the prior ten years remain eligible for the South Dakota risk pool; and to require enrollees with the South Dakota Risk Pool board to pay their amounts due to medical providers as a condition of continued eligibility; 32 SDR 158.
4-27-2006	Labor: Division of Labor and Management	Amend the workers' compensation fee schedule; 32 SDR 157.

4-28-2006	Secretary of State: Board of Elections	Amend rules to change the type of identification number required when registering to vote; reduce the number of instructions to voters posters placed at each polling place; list a specific type of marking device for a voter to use when marking an optical scan ballot as found on the instructions to voters posters and in the voting booths; amend the type of photo identification required to vote on the voter identification sign; amend the form of ballot for Constitutional amendments; list specific type of marking device for a voter to use in the instructions on the optical scan ballot; amend the form for Supreme Court justice retention ballot; amend the form for an initiated measure and a referred law ballot; amend an office title on the Primary ballot to be consistent to the General ballot and amend the color code options used for the Primary ballot; amend the format for a municipal question ballot; amend the color code options used for statewide secondary elections; add a procedure to test an electronic ballot marking system and clarify when instructions to voters using optical scan ballots can be provided; amend the type of photo identification required to request an absentee ballot; delete effective date specifications for the instructions to voters; repeal conflicting voter's intent determination process; provide a tax levy opt-out ballot; provide a petition for referring a tax levy opt-out; add the procedure for the testing of the electronic ballot marking system; and add a combined absentee ballot application/return envelope for in-office absentee ballots; 32 SDR 167.
5-4-2006	Game, Fish and Parks	Amend Park Entrance License Exemptions – a park entrance license will not be required at Rocky Point Recreation Area on July 11, 2006, and on July 15, 2006; amend Restrictions on use of firearms and bow–Exceptions – possession of a bow at the Adams Homestead and Nature Preserve will be permitted during the archery deer season if the person has "any" type of archery deer licenses and a special permit each of which must be valid at the Preserve; amend Archery Antelope Hunting Season – establish the types of licenses/tags

		<p>available and permitted harvest of antelope for each type of license; amend Archery Deer Hunting Season – modify the season dates in certain areas within the Black Hills; repeal the closure (hunting presently prohibited during the West River Prairie Deer Hunting Season) of the hunting season at the Fort Meade Bureau of Land Management South Unit and North Unit in Meade County; permit persons with certain types of archery deer licenses/tags and a special permit to hunt on the Adams Homestead and Nature Preserve and establish the number of licenses/permits available for issuance to hunt at the Preserve; and repeal the provision which presently prohibits nonresidents who have an "anterless deer" license from hunting in the counties of Union, Lincoln, Minnehaha, and Moody; amend General Muzzleloading Deer Hunting Season – permit a person to acquire 2 muzzleloader deer licenses of any type; amend Youth Deer Season – modify (lengthen) the youth hunting season dates; amend Special Canada Goose Hunting Units Established—Limited permits—Application – combine the 2 existing hunting Units in Bennett County into 1 Unit and establish the number of licenses available and hunting season dates; and amend Mountain Lion Hunting Season – modify the hunting season dates for the hunting season and establish the harvest limits for certain mountain lions and the restrictions/prohibitions applicable to harvesting a mountain lion in certain areas; 32 SDR 177.</p>
5-12-2006	Labor: Board of Technical Professions	<p>Amend rules to change deadlines for exams, follow guidelines for national exams, allow 15 years for comity experience, provide websites for accredited programs, redefine a portion of land surveying, notify audit time periods, substitute "acceptance" letter in fire sprinkler and fire alarm systems, to clarify, and general housekeeping changes; 32 SDR 173.</p>

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, April 19, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: May 16, June 13, August 29, September 28, December 5, and January 8, 2007.

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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