

REGISTER

South Dakota Legislative Research Council



Volume 33

Monday, 8:00 a.m., May 21, 2007

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:

(May 17, 2007) intends to amend Fall Wild Turkey Hunting Season rules to offer residents 500 and nonresidents 40 more one-tag “any turkey” licenses (17% increase of 540 tags) in the Black Hills than 2006; offer residents 340 less one-tag and 995 more two-tag “any turkey” licenses (15% increase of 1,650 tags) in Prairie units than 2006; offer nonresidents 4 more one-tag and the same number of two-tag “any turkey” licenses (1% increase) in Prairie units than 2006; change the season dates from October 1 – December 31 to October 1 – January 31; add new units in Brookings County east of Interstate 29 and Brule County (rifles would not be permitted for turkey hunting in the Brookings County unit); and expand the 5-county unit in northeastern South Dakota to include all of Grant County; amend Black Hills Deer Hunting Season rules to eliminate the 5,500 resident and 440 nonresident “any buck with two points or more or any antlerless deer” and offer 500 resident and 40 nonresident “any deer” licenses and 5,000 resident and 400 nonresident “any whitetail deer” licenses in 2007; and offer the same number of resident and nonresident “antlerless” licenses as 2006; amend West River Deer Hunting Season rules to adjust license numbers in six units for a no net change in resident one-tag and 30 less two-tag licenses (60 tags) than 2006; and adjust license numbers in six units for a no net change in resident one-tag licenses and 2 less two-tag licenses (4 tags) than 2006; amend Mountain Lion Hunting Season rules to dissolve the separate Black Hills and Prairie units and establish one statewide

unit; dissolve separate Black Hills and Prairie licenses and establish one resident license that is valid statewide and set the fee for this license at \$15.00 (\$10.00 plus \$5.00 surcharge); increase the harvest limit to 35 (25 in 2006) mountain lions or 15 (8 in 2006) female mountain lions; and require that all harvested mountain lions be presented to a GFP representative for inspection within 24 hours of harvest; amend Furbearer Seasons – Nonresidents rules to create a nonresident furbearer license and set the fee at \$250.00; establish requirements and restrictions for nonresidents, including but not limited to prohibiting nonresidents from taking mink, weasel, muskrat, beaver and raccoon from May 1 through the Friday preceding the 2nd Saturday of November, and prohibiting nonresidents from taking bobcats from February 16 through the Friday preceding the 2nd Saturday of January; and amend Public Water Zoning rules to establish a new water safety zone; i.e., a “No Wake Zone” in the area on Lake Madison (Lake County) commonly known as Sunset Harbor, including the entrance canal, and would change the water safety zone on the waters of Lehrman GPA (McCook County) from no boating “from October 20 to December 31, inclusive” to no boating “during a Conservation Order as well as during any open season for migratory waterfowl.” The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, 41-8-20, 41-11-5, and 41-17-1.1.

A public hearing will be held at the King’s Inn, 110 E. Sioux Avenue, Pierre, South Dakota, on June 7, 2007, 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 Noon 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 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:

DEPARTMENT OF GAME, FISH AND PARKS:

41:06:01:09; 41:06:02:03; 41:06:08:01; 41:06:11:01, 41:06:11:02; 41:06:18:05; 41:06:26:02, 41:06:26:04; 41:06:29:03; 41:06:34:04; 41:06:37:01, 41:06:37:02; 41:06:43:02, 41:06:43:04; 41:06:47:02; 41:06:55:01, 41:06:55:02; 41:06:56:02, 41:06:56:03; 41:06:59:02, and 41:06:59:04.

History-Notice: 33 SDR 155, March 26, 2007
 Hearing: April 12, 2007
 Filed: May 15, 2007
 Effective: June 4, 2007

DEPARTMENT OF HEALTH:

44:06:04:01.
 History-Notice: 33 SDR 156, March 26, 2007
 Hearing: April 16, 2007
 Filed: May 15, 2007
 Effective: June 4, 2007

DEPARTMENT OF LABOR: SOUTH DAKOTA RETIREMENT SYSTEM:

62:01:02:06 to 62:01:02:08, inclusive; 62:01:04:06; 62:01:06:04; 62:01:07:05, 62:01:07:09 to 62:01:07:11, inclusive; 62:01:08:03; 62:03:01:01; 62:03:02:07,

62:03:02:08; 62:03:05:01, 62:03:05:06; 62:03:06:02, 62:03:06:03.02; 62:04:03:01.

History-Notice: 33 SDR 151, March 19, 2007
 Hearing: April 5, 2007
 Filed: May 15, 2007
 Effective: June 4, 2007

SECRETARY OF STATE: BOARD OF FINANCE:

5:01:02:01, 5:01:02:01.01, 5:01:02:07, 5:01:02:10.01, and 5:01:02:11.
 History-Notice: 33 SDR 159, April 2, 2007
 Hearing: April 17, 2007
 Filed: May 15, 2007
 Effective: June 4, 2007

DEPARTMENT OF REVENUE AND REGULATION: BANKING

COMMISSION: 20:07:03:05 and 20:07:06:01.

History-Notice: 33 SDR 171, April 16, 2007
 Hearing: May 3, 2007
 Filed: May 17, 2007
 Effective: June 6, 2007

DEPARTMENT OF EDUCATION: BOARD

OF EDUCATION: 24:54:01:01; 24:54:02:01 to 24:54:02:03, inclusive; 24:54:03:01, 24:54:03:02; and 24:54:04:01 to 24:54:04:04, inclusive.

History-Notice: 33 SDR 156, March 26, 2007
 Hearing: May 3, 2007
 Filed: May 15, 2007
 Effective: July 1, 2007

DEPARTMENT OF LABOR: BOARD OF

BARBER EXAMINERS: 20:39:05:01, 20:39:05:02, and 20:39:05:04.

History-Notice: 33 SDR 159, April 2, 2007
 Hearing: April 30, 2007
 Filed: May 15, 2007
 Effective: July 1, 2007

Executive Appointments:

Tom B. Burchill, Sioux Falls, was reappointed on May 9, 2007, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2011.

Jacquelyn Fuller, Lead, was reappointed on May 9, 2007, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2011.

Gayle Kludd, Huron, was appointed on May 9, 2007, to the **Law Enforcement Civil Service Commission**, to replace Marty Wortman, effective immediately and shall continue until April 22, 2011.

Jerry Prostrollo, Madison, was reappointed on May 9, 2007, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2011.

John Rock, Hot Springs, was reappointed on May 9, 2007, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2011.

Kristi Honeywell, Pierre, was appointed on May 10, 2007, to the **Personnel Management Advisory Board**, to replace Jeanette Schipper, effective May 9, 2007.

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

6-7-2007	Game, Fish and Parks	Amend Fall Wild Turkey Hunting Season rules to offer residents 500 and nonresidents 40 more one-tag "any turkey" licenses (17% increase of 540 tags) in the Black Hills than 2006; offer residents 340 less one-tag and 995 more two-tag "any turkey licenses (15% increase of 1,650 tags) in Prairie units than 2006; offer nonresidents 4 more one-tag and the same number of two-tag "any turkey" licenses (1% increase) in Prairie units than 2006; change the season dates from October 1 – December 31 to October 1 – January 31; add new units in Brookings County east of Interstate 29 and Brule County (rifles would not be permitted for turkey hunting in the Brookings County unit); and expand the 5-county unit in northeastern South Dakota to include all of Grant County; amend Black Hills Deer Hunting Season rules to eliminate the 5,500 resident and 440 nonresident "any buck with two points or more or any antlerless deer" and offer 500 resident and 40 nonresident "any deer" licenses and 5,000 resident and 400
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		<p>nonresident “any whitetail deer” licenses in 2007; and offer the same number of resident and nonresident “anterless” licenses as 2006; amend West River Deer Hunting Season rules to adjust license numbers in six units for a no net change in resident one-tag and 30 less two-tag licenses (60 tags) than 2006; and adjust license numbers in six units for a no net change in resident one-tag licenses and 2 less two-tag licenses (4 tags) than 2006; amend Mountain Lion Hunting Season rules to dissolve the separate Black Hills and Prairie units and establish one statewide unit; dissolve separate Black Hills and Prairie licenses and establish one resident license that is valid statewide and set the fee for this license at \$15.00 (\$10.00 plus \$5.00 surcharge); increase the harvest limit to 35 (25 in 2006) mountain lions or 15 (8 in 2006) female mountain lions; and require that all harvested mountain lions be presented to a GFP representative for inspection within 24 hours of harvest; amend Furbearer Seasons – Nonresidents rules to create a nonresident furbearer license and set the fee at \$250.00; establish requirements and restrictions for nonresidents, including but not limited to prohibiting nonresidents from taking mink, weasel, muskrat, beaver and raccoon from May 1 through the Friday preceding the 2nd Saturday of November, and prohibiting nonresidents from taking bobcats from February 16 through the Friday preceding the 2nd Saturday of January; and amend Public Water Zoning rules to establish a new water safety zone; i.e., a “No Wake Zone” in the area on Lake Madison (Lake County) commonly known as Sunset Harbor, including the entrance canal, and would change the water safety zone on the waters of Lehrman GPA (McCook County) from no boating “from October 20 to December 31, inclusive” to no boating “during a Conservation Order as well as during any open season for migratory waterfowl;” 33 SDR 211.</p>
<p>6-15-2007</p>	<p>Revenue and Regulation: Lottery Commission</p>	<p>Amend rules to authorize the Lottery to conduct an online raffle game and establish parameters for the game; 33 SDR 205.</p>

7-19-2007	Environment and Natural Resources: Board of Minerals and Environment	Amend rules to update existing hazardous waste rules by incorporating the federal regulations by reference. Changes to the rules include clarifications to the used oil management standards; special provision for National Environmental Performance Track Program companies; amends existing national emission standards for permitted hazardous waste treatment, storage and disposal facilities; includes certain wastes generated by the dye, pigment, food, drug and cosmetic colorant manufacturing industries as hazardous wastes; clarifies requirements for the management of mercury-containing equipment; modifies requirements for the hazardous waste manifest system; and establishes requirements for the safe management of used electronic devices that contain cathode ray tubes; 33 SDR 205.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 5, 2007, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2007 interim: August 21, September 27, December 4, and January 7, 2008.

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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