

REGISTER

South Dakota Legislative Research Council



Volume 32

Monday, 8:00 a.m., June 26, 2006

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

Department of Environment and Natural Resources: Board of Minerals and

Environment: (June 23, 2006) has filed rules to amend air pollution control program rules that will revise how the prevention of significant deterioration permitting program is implemented and adopt the federal clean air mercury rule that caps and reduces mercury emissions from coal fired power plants. The general authority for these rules, as cited by the board, is SDCL 34A-1-6 and 34A-1-18.

A public hearing will be held at the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota on July 20, 2006, at 1:15 p.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to Kyrik Rombough, Natural Resources Engineering Specialist, Department of Environment and Natural Resources, 523 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by July 19, 2006, to be considered. This hearing is being held in a physically accessible place and interpreter services will be provided upon request. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3151 at least 48 hours before the public hearing.

NOTICE:

The **Medicaid Pharmaceutical and Therapeutics Committee** will be meeting on Friday, July 7, 2006, at 12:30 p.m. in the Fontanelle I Room at the Sheraton Hotel

Convention Center, Sioux Falls, SD. A copy of the agenda is available at: <http://www.hidsdmedicaid.com/>. For additional information contact the Department of Social Services, Division of Medical Services at (605) 773-3495.

FILINGS IN THE SECRETARY OF STATES OFFICE:

BUREAU OF PERSONNEL: CAREER SERVICE COMMISSION: 55:01:13:22 and 55:01:22:18.

History-Notice: 32 SDR 153, March 13, 2006
Hearing: April 19, 2006
Filed: June 19, 2006
Effective: July 10, 2006

DEPARTMENT OF LABOR: PUBLIC UTILITIES COMMISSION: 20:10:32:42, 20:10:32:43, 20:10:32:43.01, 20:10:32:43.02, 20:10:32:43.03, 20:10:32:43.04, 20:10:32:43.05, 20:10:32:43.06, 20:10:32:43.07, 20:10:32:44, 20:10:32:45, 20:10:32:46, 20:10:32:47, 20:10:32:48, 20:10:32:49, 20:10:32:51, 20:10:32:52, 20:10:32:53, 20:10:32:54, 20:10:32:55, and 20:10:32:56.

History-Notice: 32 SDR 187, May 1, 2006
Hearing: May 24, 2006
Filed: June 19, 2006
Effective: July 10, 2006

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF

INSURANCE: 20:06:39:11 to 20:06:39:18, inclusive, 20:06:39:20.01 to 20:06:39:20.04, inclusive, 20:06:39:33; 20:06:50:01, 20:06:50 Appendix A and Appendix B.

History-Notice: 32 SDR 191, May 8, 2006

Hearing: May 25, 2006

Filed: June 19, 2006

Effective: July 10, 2006

Executive Appointments:

H. Adrian Mohr, Sioux Falls, was appointed on June 21, 2006, to the **South Dakota Board of Nursing**, to replace Nancy Wahlstrom, effective immediately and shall continue until June 30, 2009.

Diana Berkland, Sioux Falls, was reappointed on June 22, 2006, to the **South Dakota Board**

of Nursing, effective July 1, 2006, and shall continue until June 30, 2009.

Doris Dufault, Hot Springs, was reappointed on June 22, 2006, to the **South Dakota Board of Nursing**, effective July 1, 2006, and shall continue until June 30, 2009.

Christine R. Pellet, Yankton, was reappointed on June 22, 2006, to the **South Dakota Board of Nursing**, effective July 1, 2006, and shall continue until June 30, 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

7-1-2006	Military and Veteran Affairs	Amend rules to allow the Secretary of DMVA to authorize couples where one is ambulatory and one is in a wheel chair, and allows applicants who utilize electric wheel chairs but have ability to take care of their own needs; amend the reapplication procedure for an individual who wants to be readmitted; amend rules to reflect current chain of command; establishes clearer sign out policy, when leaving the campus grounds; changes how sponsors/residents must arrange for meal tickets and use of the guest house or guest room; allow the superintendent to extend use of the guest house or guest room for residents family members if needed and to allow the guest house use for staff who have an emergency situation; clarify existing rules and allow superintendent more latitude in meeting the needs of all residents including those that have refrigerators, entertainment centers and computers; eliminates rule which no longer meets present day residents' needs and changes wording within the rule to reflect present
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		administration chain of command; allow for a more reasonable time and way to handle AWOL; and to better explain how maintenance rent fees are calculated and applied; 32 SDR 195.
7-6-2006	Game, Fish and Parks	Amend Antelope Hunting Season rules to establish the number/types of resident and nonresident hunting licenses/tags available in the applicable modified, consolidated, new, and existing hunting Units, modify the hunting season dates and length of the season, modify the hunting season dates in Units with split seasons, establish a split hunting season and dates in Ziebach County, modify the boundary of Units involving Fall River County, include all of Jackson County in Unit PRA-39A, establish a new hunting Unit in Shannon County, modify the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of antelope that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a preference point; amend East River Deer Hunting Season rules to establish the number/types of hunting license/tags available in the applicable new and existing hunting Units, modify the hunting season dates in the East River hunting Units, modify the procedures for issuance of certain hunting licenses associated with landowner-operator licenses and establish certain requirements, validity of licenses, and types of deer that may be taken, and add a Unit and establish the number of licenses available for the purpose of acquiring a preference point; amend Early Fall Canada Goose Hunting Season rules by adding Union County to Unit C where the season is open for 14 consecutive days beginning on the second Saturday of September and modify the opening of the hunting season in Unit A and Unit B from the first Saturday in September to September 1; amend Uses of Parks and Public Lands to require all persons, not just archery hunters, utilizing a tree stand in the hunting of a big game animal on lands owned, leased, or controlled by GFP to attach their name and

		address or the year and current big game license of the owner or user on the tree stand; and amend Private Shooting Preserves to modify procedures for issuance and utilization of and information required on a transportation permit (a/k/a processing permit) used by shooting preserve operators which transport harvested species from their preserve for processing and repeal the provisions relating to issuance of a common carrier shipping permit; 32 SDR 224.
7-10-2006	Agriculture: Animal Industry Board	Amend a rule to allow interested parties to apply for a permit to possess certain breeds of nondomestic sheep in the area of South Dakota lying west of the Missouri River; 32 SDR 223.
7-10-2006	Education: Board of Education	Amend rules to allow those who are currently certified to take South Dakota Indian Studies and Human Relations for either renewal or transcribed credit; to remove the Human Relations and South Dakota Indian Studies requirement for individuals who have stand-alone K-12 Braille certificates; to incorporate concepts outlined in the South Dakota Science Content Standards and National Research Council best practices into the definition of "laboratory class"; to clarify the state accreditation option now available to non-public schools; to extend the term of administrative rule waivers to five years; and to change the implementation dates for graduation requirements to September 1; 32 SDR 223.
7-19-2006	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt and amend rules to provide for the continuing educational requirements of reserve law enforcement officers and to set the time frame in which reserve law enforcement officers are to complete specific firearm and continuing educational requirements; to clarify the authority of canine handlers in evaluating canines; and to clarify which canines a canine judge may evaluate; 32 SDR 223.
7-20-2006	Environment and Natural Resources: Board of Minerals and Environment	Amend air pollution control program rules that will revise how the prevention of significant deterioration permitting program is implemented and adopt the federal clean air mercury rule that caps and reduces mercury emissions from coal fired power plants; 32 SDR 231.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, June 28, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: 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.

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 32 are \$20. 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>).