

# REGISTER

*South Dakota Legislative Research Council*



*Volume 34*

*Monday, 8:00 a.m., January 7, 2008*

---

## NOTICES OF PROPOSED RULES: (None)

**NOTICE:** Invitation to Participate - Model State Administrative Procedure Act Revision Process

The **National Conference of Commissioners on Uniform State Laws** (NCCUSL) is revising its Model State Administrative Procedure Act (MSAPA). NCCUSL invites organizations and individuals interested in state administrative agency processes to participate in this effort.

NCCUSL is a 117 year old national organization of lawyers, judges and law professors who are appointed to represent their states in drafting and seeking enactment of uniform laws to facilitate commerce and certainty in the law among the states. For more information about NCCUSL, visit <http://www.nccusl.org/>.

The goal of the MSAPA drafting committee is to make the administrative process more efficient, accessible and fair. The most recent draft of MSAPA is available at <http://www.nccusl.org/Update/CommitteeSearchResults.aspx?committee=234>. The drafting process will not be completed until the spring of 2009. The MSAPA drafting committee invites interested parties to attend committee meetings as an observer and make comments and suggestions at the meetings or by submitting them in writing. To become an observer, please contact Ms. Leang Sou at NCCUSL at (312) 915-0488 or at [leang.sou@nccusl.org](mailto:leang.sou@nccusl.org). Submit written comments about the MSAPA to Commissioner Francis J. Pavetti, 18 The Strand, Goshen Point, Waterford, CT 06385.

## FILINGS IN THE SECRETARY OF STATE'S OFFICE:

### Executive Appointments:

**Deanne Curran**, Flandreau, was appointed on December 28, 2007, to the **Planning Council on Developmental Disabilities**, to replace David Nissen, effective December 27, 2007, and shall continue until June 30, 2010.

**Mary Husby**, Sioux Falls, was reappointed on December 28, 2007, to the **South Dakota Advisory Council on Aging**, effective January 1, 2008, and shall continue until December 31, 2011.

**Monica Mayer**, Isabel, was reappointed on December 28, 2007, to the **South Dakota Interagency Coordinating Council**, effective January 1, 2008, and shall continue until December 31, 2010.

**Gerald E. Tracy**, Watertown, was reappointed on December 28, 2007, to the **South Dakota Advisory Council on Aging**, effective January 1, 2008, and shall continue until December 31, 2011.

**Patty Benson**, Lemmon, was appointed on January 2, 2008, to the **South Dakota Professional Teachers Practices and Standards Commission**, to replace Jan Newman, effective January 1, 2008, and shall continue until December 31, 2010.

**Robert Gill**, Pierre, was reappointed on January 2, 2008, to the **South Dakota Professional Teachers Practices and Standards Commission**, effective immediately

and shall continue until December 31, 2010.

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**

1-10-2008	Game, Fish and Parks	Amend a List of Endangered Birds rule to change Peregrine falcon ( <i>Falco peregrinus anatum</i> ) to Peregrine falcon ( <i>Falco peregrinus</i> ) and Interior least tern ( <i>Sterna albifrons athalassos</i> ) to Interior least tern ( <i>Sterna antillarum athalassos</i> ); amend a List of Threatened Birds rule to change American dipper ( <i>Circus mexicanus</i> ) to American dipper ( <i>Cinclus mexicanus</i> ) and Bald eagle (southern) ( <i>Haliaeetus leucocephalus</i> ) to Bald eagle ( <i>Haliaeetus leucocephalus</i> ); amend a List of Threatened Mammals rule to change Northern swift fox ( <i>Vulpes velox hebes</i> ) to Swift fox ( <i>Vulpes velox</i> ), River otter ( <i>Lutra Canadensis interior</i> ) to River otter ( <i>Lontra Canadensis</i> ), and delist Black Bear ( <i>Ursus americanus</i> ); amend a List of Endangered Fish rule to change Finscale dace ( <i>Phoxinus neogaeus</i> ) to Finescale dace ( <i>Phoxinus neogaeus</i> ); amend a List of Endangered Reptiles rule to change The lined snake ( <i>Tropidoclonion lineatum</i> ) to Lined snake ( <i>Tropidoclonion lineatum</i> ); and amend a List of Threatened Reptiles rule to change Eastern hognose snake ( <i>Heterodon platyrhinos</i> ) to Eastern hognose snake ( <i>Heterodon platirhinos</i> ); 34 SDR 142.
1-10-2008	Game, Fish and Parks	Amend Hunter Safety Course rules to increase the amount allowed for reimbursement of expenses incurred by hunter safety course instructors from one dollar per student to three dollars per student and clarify that the amount so allowed is considered as being reimbursement of expenses rather than compensation for services; and amend Special Permits and Licenses to create a new chapter entitled Permit to Kill Non-game Birds and include a new administrative rule authorizing the department secretary to issue a special

		permit which would allow a designated permittee to kill non-game birds which are a threat to the public health, safety and welfare, or are doing damage to property; 34 SDR 189.
1-11-2008	Labor: Division of Labor and Management	Amend Appendix B to the Workers' Compensation Fee Schedule; 34 SDR 189.

### RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-third Legislative Session to set the tentative meeting schedule for the 2008 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

**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 34 are \$25. 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>).