

REGISTER



South Dakota Legislative Research Council

Volume 31

Monday, 8:00 a.m., March 28, 2005

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

Department of Labor: South Dakota Retirement System: (March 24, 2005) is proposing to amend the election provisions, adopt a procedure for filling vacancies on the Board of Trustees, and adopt definitions, internal administrative procedures and required provisions of federal law in regard to the South Dakota Retirement System Special Pay Program. The general authority for these rules, as cited by the division, is SDCL 3-12-58 and 3-13A-4.

A public hearing will be held in the Lake Francis Case Room of the River Centre Convention Center, 920 West Sioux Avenue, Pierre, South Dakota, on April 14, 2005, at 1:30 p.m., CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501-1098. Material sent by mail must be received by April 13, 2005, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3731 at least 48 hours before the hearing.

Department of Agriculture: Animal Industry Board: (March 24, 2005) has filed rules to amend a rule to update the vaccinology related to rabies in dogs and to include cats in the importation requirements dealing with rabies; to control the spread of and eliminate trichomoniasis from cattle through restricting the sale, loan, lease, or importation of animals presenting the highest risk for this disease; place into regulation identification and record-keeping

requirements for sheep and goat producers consistent with those the industry had enacted voluntarily in recent years in order to uniformly market their animals in efforts to control Scrapie, a transmissible spongiform encephalopathy of sheep and goats. The general authority for these rules, as cited by the board, is SDCL 40-3-9, 40-3-14, 40-3-16, 40-5-8, 40-5-8.2, and 40-5-8.6.

A public hearing will be held at the Ramkota-Best Western, 920 W. Sioux Avenue, Pierre, South Dakota, on Tuesday, April 26, 2005, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the Board Office by Monday, April 25, 2005, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 at least 48 hours prior to the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Rodney Foubert, Aberdeen, was reappointed on March 21, 2005, to the **Transportation Commission**, effective April 19, 2005, and shall continue until April 18, 2009.

Thomas Harmon, Pierre, was appointed on March 23, 2005, to the **State Fair Commission**, effective immediately and will continue at the pleasure of the Governor.

JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:

The Legislative Research Council has copies of Letters of Agreement relating to Manure Management System, Engineering Plan and Design Assistance between the South Dakota Department of Agriculture and the following conservation districts: Beadle, Codington, Grant, Gregory, Haakon, Hand, Lake, McPherson, Miner, Roberts, Spink, Stanley, and Walworth.

The Resource Conservation and Forestry Division of the Department of Agriculture has filed Memorandums of Understanding relating to establishing and maintaining arboretums with the cities of Kadoka and Chamberlain.

The Department of Environment and Natural Resources and the Homestake Mining Company of California have entered into a Joint Funding Agreement relating to hydrologic investigations and data collection on Whitewood Creek.

Copies of the agreements are on file with the Legislative Research Council and may be copied or reviewed during normal business hours.

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

3-29-2005	Revenue and Regulation: Appraisers	Amend a rule to require that an appraisal conform to the Uniform Standards of Professional Appraisal Practice, 2005 Edition; 31 SDR 115.
4-5-2005	Tourism and State Development: Board of Economic Development	Adopt rules to implement the "South Dakota Entrepreneur Support Program;" 31 SDR 133.
4-5-2005	Tourism and State Development: Board of Economic Development	Adopt rules to implement the "Capital Investment Entity Program;" 31 SDR 133.
4-7-2005	Game, Fish and Parks	Amend rules to exempt military personnel (families) from park entrance license requirements from July 8 through July 10, 2005; prohibit camper units without horse to occupy an equestrian campground unless permitted by the park manager; establish/modify the number, types, and names of licenses available in Custer State Park for "any whitetail deer," "any deer," and "muzzleloader antlerless whitetail deer" and make changes to Unit numbers; close the Custer State Park Bighorn Sheep hunting season; modify the Special Custer State Park Anterless Elk hunting season; modify the Archery Antelope hunting season; modify Archery Deer hunting season; repeal and modify the Muzzleloading Deer hunting

		<p>season; modify the Archery Elk hunting season; modify the Black Hills Elk hunting season; modify the Prairie Elk hunting season; modify the Mountain Goat hunting season; amend the rule to state that the application for the second or subsequent lottery drawing for Black Hills Elk, Prairie Elk, and Archery Elk must be accompanied by the application fee and license fee; modify types of certain deer licenses nonresidents may acquire after the second lottery drawing, modify present and future eligibility requirements for certain elk licenses, and remove the internet application requirement for certain elk licenses; modify Grouse hunting season; modify Pheasant hunting season; modify Private Shooting Preserves by modifying the sex of pheasants that are required to be released on a shooting preserve and which may be counted towards the minimum number and modify the daily bag limit for pheasants taken on certain shooting preserves; modify Quail hunting season dates; modify Gray Partridge hunting season dates; modify the Youth Pheasant hunting season dates; modify the Resident Pheasant hunting season dates and permit hunting on property owned by School and Public Lands; modify the Crow hunting season dates; and modify those areas closed to dog training in the Fort Pierre National Grasslands; 31 SDR 137.</p>
4-14-2005	Agriculture: Weed and Pest Commission	<p>Amend a rule that will add Salt Cedar (<i>Tamarix ramosissima</i>) and remove Field Bindweed from the statewide noxious weed list; 31 SDR 133.</p>
4-14-2005	Labor: Retirement System	<p>Amend the election provisions, adopt a procedure for filling vacancies on the Board of Trustees, and adopt definitions, internal administrative procedures and required provisions of federal law in regard to the South Dakota Retirement System Special Pay Program; 31 SDR 143.</p>
4-26-2005	Labor: Division of Labor and Management	<p>Update the Workers' Compensation Fee Schedule; 31 SDR 137.</p>
4-26-2005	Agriculture: Animal Industry Board	<p>Amend a rule to update the vaccinology related to rabies in dogs and to include cats in the importation requirements dealing with rabies; to control the spread of and eliminate trichomoniasis from cattle through restricting</p>

		the sale, loan, lease, or importation of animals presenting the highest risk for this disease; place into regulation identification and record-keeping requirements for sheep and goat producers consistent with those the industry had enacted voluntarily in recent years in order to uniformly market their animals in efforts to control Scrapie, a transmissible spongiform encephalopathy of sheep and goats; 31 SDR 144.
4-29-2005	Labor: Board of Accountancy	Amend a rule that will allow the board to collect the fees associated with the computerized Uniform CPA Examination from candidates, to be paid to the third party providers upon receipt of their services; 31 SDR 137.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 19, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: May 17, June 14, August 9, September 20, October 18, December 6, and January 9, 2006.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.