

REGISTER



South Dakota Legislative Research Council

Volume 33

Monday, 8:00 a.m., April 9, 2007

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

Department of Transportation: (April 2, 2007) is proposing to amend a speed zone in Day County on U.S. Highway 12 along the City of Bristol to increase the allowable speed limit for traffic. The general authority for this rule, as cited by the department, is SDCL 32-25-7 and 32-25-7.1.

A public hearing will be held in the commission room of the Becker/Hansen Building, 700 E. Broadway Avenue in Pierre, South Dakota, on April 26, 2007, at 9:05 a.m. CDST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by April 26, 2007, to be considered. 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Bureau of Administration: (April 2, 2007) intends to amend rules to increase the maximum fees chargeable for legal publications required by state law. The general authority for these rules, as cited by the bureau, is SDCL 17-2-19.

A public hearing will be held in the Executive Board Room, Becker-Hansen Building, 700 E. Broadway Ave., Pierre, South Dakota, on May 8, 2007, at 10:00 a.m. Copies of the

proposed rules may be obtained from and written comments sent to the Bureau of Administration, State Capitol Building, 500 East Capitol, Pierre, South Dakota 57501. Written comments must be received by May 22, 2007, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3688 at least 48 hours before the hearing

Department of Revenue and Regulation:

Division of Insurance: (April 2, 2007) intends to adopt and amend rules to provide additional options for completing the required replacement notice in Life Insurance policies; to provide for standards for the issuance of long term care partnership policies, to provide for additional options for long term care insureds and to clarify certain long term care requirements; to provide for requirements for electronic form filings and to repeal rules that are no longer applicable; and correct an erroneous cross reference that was due to a legislative change during the 2006 legislative session. The general authority for these rules, as cited by the division, is SDCL 58-4-1, 58-11-63, 58-17B-4, 58-17B-15, and 58-17E-45.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on April 25, 2007, at 2:00 p.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. The text of the proposed rules will be posted on the

Department of Revenue and Regulations' website at <http://www.state.sd.us/drr2/reg/insurance/>. The rules may also be obtained as a Microsoft Word attachment by emailing Melissa.Kusser@state.sd.us. Written comments must be received by April 20, 2007, to be considered. 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) 773-3563 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Executive Appointments:

Tom Geraets, Pierre, was appointed on March 30, 2007, to the **Board of Technical Professions**, to replace David St. Pierre, effective April 15, 2007, and shall continue until April 14, 2010.

Seb Axtman, Pierre, was reappointed on April 3, 2007, to the **Career Service Commission**, effective April 23, 2007, and shall continue until April 22, 2011.

Robert Benson, Winner, was reappointed on April 3, 2007, to the **Transportation Commission**, effective April 19, 2007, and shall continue until April 18, 2011.

Jackie Dahlquist, New Underwood, was reappointed on April 3, 2007, to the **Cosmetology Commission**, effective April 15, 2007, and shall continue until April 14, 2010.

John D. Fowler, Elk Point, was reappointed on April 3, 2007, to the **State Historical Society Board of Trustees**, effective April 16, 2007, and shall continue until April 15, 2010.

Brian Jackson, Sioux Falls, was reappointed on April 3, 2007, to the **South Dakota Real Estate**

Commission, effective April 12, 2007, and shall continue until April 11, 2010.

Ralph Kemnitz, Philip, was reappointed on April 3, 2007, to the **South Dakota Commission on Gaming**, effective April 15, 2007, and shall continue until April 14, 2010.

Marilyn Kinsman, Pierre, was appointed on April 3, 2007, to the **Independent Living Council**, to replace Gail Ferris, effective immediately.

Marilyn Kinsman, Pierre, was appointed on April 3, 2007, to the **South Dakota State Board for Nursing Facility Administrators**, to replace Gail Ferris, effective immediately and shall continue until January 1, 2009.

Ralph Marquardt, Yankton, was reappointed on April 3, 2007, to the **Transportation Commission**, effective April 19, 2007, and shall continue until April 18, 2011.

Jerry Shoener, Rapid City, was reappointed on April 3, 2007, to the **Transportation Commission**, effective April 19, 2007, and shall continue until April 18, 2011.

Elizabeth Squyer, Sioux Falls, was reappointed on April 3, 2007, to the **State Historical Society Board of Trustees**, effective April 16, 2007, and shall continue until April 15, 2010.

Rita Thompson, Buffalo, was reappointed on April 3, 2007, to the **South Dakota Commission on Gaming**, effective April 15, 2007, and shall continue until April 14, 2010.

The following were appointed on April 4, 2007, to the **Zaniya Project Task Force**, effective immediately and shall continue until March 1, 2008:

Kevin Bjordahl, Milbank
Deborah Bowman, Pierre
Judy Buseman, Sioux Falls
Roger Campbell, Pierre
Robert Clark, Pierre

Dennis Daugaard, Pierre
Terry Dosch, Pierre
Dan Dryden, Rapid City
James Engelbrecht, Rapid City
Kevin Forsch, Pierre
Janet Griffin, Des Moines, IA
Hugh Grogan, Sioux Falls
Dave Hewett, Sioux Falls
Jerry Hofer, Pierre
Doneen Hollingsworth, Pierre
Scott Jones, Pierre
Larry Kucker, Sioux Falls
Doug Larson, Belle Fourche
Steve Lee, Pierre
Thomas Livermont, Pierre
Greg Minor, Dakota Dunes
Ron Moquist, Sioux Falls
Randy Moses, Pierre
Becky Nelson, Sioux Falls
Bob O’Connell, Sioux Falls
David Owen, Sioux Falls
Ted PettyJohn, Rapid City
Darla Pollman Rogers, Pierre

Jean Reed, Sioux Falls
Merle Scheiber, Pierre
Michael Shaw, Pierre
Clark Sinclair, Madison
Joe Sluka, Rapid City
Barbara Smith, Sioux Falls
Dennis Studer, Pierre
Sam Wilson, Sioux Falls
Kirk Zimmer, Sioux Falls
Sandra Zinter, Pierre.

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

4-11-2007	Education: Board of Education	Adopt rules to formalize the Teacher Compensation Oversight Board, program guidelines, and application requirements; 33 SDR 156.
4-12-2007	Game, Fish and Parks	Amend a License Forms and Fees rule to increase the license fee for a trophy bull bison license to \$5,000 beginning with the 2008 season; amend a Pheasant Hunting Season rule to establish season dates, open areas, shooting hours, daily bag limit and possession limit; incorporate Butte, Meade, Lawrence and western Pennington counties (previously designated as Unit 2) with the rest of the state to create one statewide pheasant hunting unit; and change the shooting hours to be noon to sunset through October 31, and beginning on November 1, from 10:00 a.m. to sunset for the remainder of the season; amend a Quail Hunting Season rule to establish season dates, open area, shooting hours, daily bag limit and possession limit; and expand the open area from the eight existing counties to the entire

	<p>state; amend Sandhill Crane Hunting Season rules to establish season dates, open areas, shooting hours, daily bag limit and possession limit; and remove the requirement that a person obtain a special sandhill crane hunting permit; amend a Black Hills Elk Hunting Season rule to establish season dates for “any elk” and “anterless elk” (first and second season) licenses, types and number of available licenses, open areas, and shooting hours; and adjust the unit boundary for Unit H9; amend Landowner Preference (Black Hills Elk, Archery Elk, and Prairie Elk Hunting Seasons) rules to retain the requirement that an applicant for landowner-operator preference own or operate a minimum of 240 acres within an elk unit but will raise the threshold of elk use from 200 to 500 elk-use days; will remove criteria for landowners to qualify for preferences and under “severe elk depredation” and “hardship” situations; will change the “non-hardship” landowner preference eligibility from every third year to every year; will require that qualifying property be located within an elk hunting unit; will clarify that the 9-year license ineligibility period applies only to individuals who drew an elk license in the first lottery drawing in the nine preceding years; and provide a process by which landowners can appeal eligibility decisions; amend a Mountain Goat Hunting Season rule to close the mountain goat hunting season; amend a Cottontail Rabbit Hunting Season rule to establish season dates, open area, daily bag limit and possession limit; and extend the existing exemption for landowners hunting cottontail rabbits on their own land to licensed hunters acting as agents of landowners; amend a Custer State Park Coyote Hunting Season rule to close the coyote hunting season in Custer State Park; amend an Archery Elk Hunting Season rule to establish season dates for “any elk” and “anterless elk” (Black Hills Units and Unit 30A) licenses, types and number of available licenses, open areas, and shooting hours; adjust the unit boundary for Unit H9; and expand the season dates in Unit 30A to include the last 17 days of August;</p>
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		<p>amend a Special Custer State Park Antlerless Elk Hunting Season rule to establish season dates, shooting hours, hunting requirements and restrictions, and decrease the number of available licenses from 100 to 60 for the first two seasons (25 tags for first season, 35 tags for second season), with a possible third season to allow for additional harvest if deemed necessary; amend a Youth Pheasant Hunting Season rule to establish eligibility requirements, season dates, open areas, shooting hours, daily bag limit, and increase the possession limit from 6 to 9 cock pheasants; add one additional day to the season; amend a Black Hills Bighorn Sheep Hunting Season rule to establish eligibility requirements, season dates, open areas, shooting hours, and increase by one the number of available licenses; and Amend a Prairie Elk Hunting Season rule to establish season dates for “any elk” and “antlerless elk” licenses, types and number of available licenses, open areas, and shooting hours in the open units; and expand the season dates in Unit 30A to include the last 17 days of August; 33 SDR 155.</p>
4-16-2007	Health	<p>Amend a rule to ensure that Children’s Special Health Services is using the current poverty guidelines in determining cost share eligibility as a part of financial assistance to eligible clients; 33 SDR 156.</p>
4-17-2007	Secretary of State: Board of Finance	<p>Amend rules to increase the reimbursement rate allowed for use of a privately-owned motor vehicle while on official business when a motor pool vehicle is not available, to increase the reimbursement rate allowed for use of a privately-owned motor vehicle equipped or modified for the transportation of an individual with special needs, to amend the private airplane use rates based on engine type and number of seats, and to amend the discretionary additional allowance for out-of-state and out-of-country per diem rates for lodging because of increased costs in certain destinations; 33 SDR 159.</p>
4-19-2007	Environment and Natural Resources: Board of Minerals and Environment	<p>Amend air pollution control program rules to comply with revision to the federal regulations; 33 SDR 151.</p>

4-25-2007	Revenue and Regulation: Division of Insurance	Adopt and amend rules to provide additional options for completing the required replacement notice in Life Insurance policies; to provide for standards for the issuance of long term care partnership policies, to provide for additional options for long term care insureds and to clarify certain long term care requirements; to provide for requirements for electronic form filings and to repeal rules that are no longer applicable; and correct an erroneous cross reference that was due to a legislative change during the 2006 legislative session; 33 SDR 159.
4-26-2007	Labor: Division of Labor and Management	Amend rules to update the Workers' Compensation Fee Schedule; 33 SDR 159.
4-26-2007	Transportation	Amend a speed zone in Day County on U.S. Highway 12 along the City of Bristol to increase the allowable speed limit for traffic; 33 SDR 165.
4-30-2007	Labor: Board of Barber Examiners	Amend rules to increase fees for barber certificate of registration, operate a barber shop, barber chair, restoration of an expired barber certificate of registration, and expired license fee; 33 SDR 159.
5-8-2007	Administration	Amend rules to increase the maximum fees chargeable for legal publications required by state law; 33 SDR 159.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 17, 2007, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2007 interim: May 15, June 5, 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.