

# REGISTER



## South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., April 12, 2010

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

**Department of Revenue and Regulation: Banking Commission and Division of Banking:** (April 5, 2010) has filed rules to amend the record keeping requirements for trust companies chartered and regulated by the Division of Banking; reduce the number of copies of paper application forms required to be submitted to the Division of Banking for review and to require an electronic version of all application materials submitted; provide a definition for the term private trust company; provide additional guidance to South Dakota trust companies with regard to trust administration duties that may be done in South Dakota to comply with new statutory requirements; repeal duplicative language dealing with the background investigation process for mortgage license applicants which is now detailed in South Dakota law; establish surety bond requirements for mortgage licensees that take into consideration the dollar amount of loans originated, brokered, or serviced by mortgage licensees in South Dakota; increase the records retention timeframe from three years to five years for mortgage licensees; and clarify that only loan information specific to the licensees' activities in South Dakota are required to be reported on the mortgage call report for South Dakota. The general authority for these rules, as cited by the department, is SDCL 51A-2-13, 51A-6A-1, 51A-6A-11.1, 51A-6A-30, 54-14-24, 54-14-26, 54-14-31, and 54-14-36.

A public hearing will be held in LCR 2, 3<sup>rd</sup> Floor of the State Capitol, 500 E. Capitol

Avenue, Pierre, South Dakota on May 13, 2010, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Division of Banking, 217 ½ West Missouri Avenue, Pierre, South Dakota 57501, or by emailing Lynda.Fratzke@state.sd.us. Copies of the rules are also available at the division's website: <http://www.state.sd.us/banking>. Material sent by mail must reach the division by May 13, 2010, for proposed rules of the Banking Commission and by May 24, 2010, for proposed rules of the Director of the Division of Banking, 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) 773-3421 at least 48 hours before the hearing.

**Attorney General: Law Enforcement Officers Standards and Training Commission:** (March 18, 2010) intends to amend a rule to provide for the issuance of a certificate to a canine team upon completion of certification standards and repeal a rule to clarify the Commission's decision on only accepting authorized individuals into training programs. The general authority for these rules, as cited by the commission, is SDCL 23-3-35 and 23-3-39.2.

A public hearing will be held at the George S. Mickelson Criminal Justice Center, 1302 E. SD Highway 14, Pierre, South Dakota, on May 12, 2010, at 9:30 a.m. CST. A copy of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments must

be received by May 7, 2010, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3584 before the hearing.

***Department of Revenue and Regulation:***  
***Division of Insurance:*** (April 9, 2010) intends to amend a rule to allow for additional risk pool plan designs. The general authority for this rule, as cited by the division, is SDCL 58-17-124.

A public hearing will be held in the Governor's Large Conference Room, Capitol Building, Pierre, South Dakota, on May 4, 2010, at 10:00 a.m. Paper copies of the proposed rule 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. Material sent by mail must reach the Division of Insurance by May 3, 2010, to be considered. The text of the proposed rules will be posted on the Department of Revenue and Regulation's website at <http://www.state.sd.us/drr2/reg/insurance/Legal/hearing.htm>. The rules may also be obtained as a Microsoft Word attachment by emailing [Melissa.Klemann@state.sd.us](mailto:Melissa.Klemann@state.sd.us). 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.

#### **NOTICE:**

The **South Dakota Lottery** is ending instant ticket game numbers 318 – Line 'Em Up, 330 – Holiday Cash, 344 – Red Line Crossword, and 350 – Diamond Dazzler. The last day that prizes will be paid for the games is October 2, 2010.

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

##### **Executive Appointments:**

**Drake T. Olson**, Sioux Falls, was reappointed on April 5, 2010, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2013.

**John Calvin**, Watertown, was reappointed on April 7, 2010, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2014.

**Barbara Christianson**, Rapid City, was reappointed on April 7, 2010, to the **Career Service Commission**, effective immediately and shall continue until April 22, 2014.

**Buddy Cronin**, Ft. Pierre, was reappointed on April 7, 2010, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2013.

**Greg Heineman**, Sioux Falls, was reappointed on April 7, 2010, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2014.

**Tony Klein**, Pierre, was reappointed on April 7, 2010, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2014.

**Kory L. McKay**, Sioux Falls, was appointed on April 7, 2010, to the **Cosmetology Commission**, to replace Jackie Dahlquist, effective April 15, 2010, and shall continue until April 14, 2013.

**Steve Nielsen**, Winner, was reappointed on April 7, 2010, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2013.

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

4-13-2010	Revenue and Regulation: Division of Insurance	Amend rules to update sources; establish standards for long term care insurers for timely claims processing and an external review procedure; and require association plans operating in the individual market to file rates for approval; 36 SDR 141.
4-14-2010	Agriculture: Agricultural Services	Amend rules to maintain compliance in the dairy industry at the farm and plant level to meet Grade "A" requirements; 36 SDR 141.
4-14-2010	Agriculture: SD Weed and Pest Control Commission	Amend a rule to add black henbane to the local noxious weed and declared pest list; 36 SDR 141.
4-15-2010	Revenue and Regulation: Division of Insurance	Amend risk pool appeal procedures; 36 SDR 137.
4-15-2010	Environment and Natural Resources: Board of Minerals and Environment	Amend air pollution control program rules to comply with revisions to the federal regulations; 36 SDR 137.
5-4-2010	Revenue and Regulation: Division of Insurance	Amend a rule to allow for additional risk pool plan designs; 36 SDR 158.
5-12-2010	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend a rule to provide for the issuance of a certificate to a canine team upon completion of certification standards and repeal a rule to clarify the Commission's decision on only accepting authorized individuals into training programs; 36 SDR 157.
5-13-2010	Revenue and Regulation: Division of Banking	Amend the record keeping requirements for trust companies chartered and regulated by the Division of Banking; reduce the number of copies of paper application forms required to be submitted to the Division of Banking for review and to require an electronic version of all application materials submitted; provide a definition for the term private trust company; provide additional guidance to South Dakota trust companies with regard to trust administration duties that may be done in South Dakota to comply with new statutory requirements; repeal duplicative language dealing with the background investigation process for mortgage license applicants which is now detailed in South Dakota law; establish

		surety bond requirements for mortgage licensees that take into consideration the dollar amount of loans originated, brokered, or serviced by mortgage licensees in South Dakota; increase the records retention timeframe from three years to five years for mortgage licensees; and clarify that only loan information specific to the licensees' activities in South Dakota are required to be reported on the mortgage call report for South Dakota; 36 SDR 157.
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### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 20, 2010, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – DOT, 901 Dakota St.; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB108; Sioux Falls – SFUC, 2205 Career Ave., Room 282 S; and Yankton – DOT, 1306 W. 31<sup>st</sup> St. The committee chair has set the following tentative meeting schedule for the 2010 interim: June 8, July 20, August 31, September 28, November 17, and December 20.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.