REGISTER

South Dakota Legislative Research Council

Volume 36 ***Monday, 8:00 a.m., June 7, 2010***

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

Department of Transportation: (June 1, 2010) is proposing to amend a speed zone in Lawrence County on U.S. Highway 14A near the north city limits of Deadwood that is being extended through an area with heavy traffic entering and leaving the highway; amend a speed zone in Union County on Interstate 29 Business Loop at Exit 15 that is being extended through an area of development; repeal a speed zone in Union County on Interstate 29 Business Loop at Exit 15 due to it being incorporated into another rule; and amend rules to authorize geographical significant site reference centers to be eligible for interstate traffic generating facility signage. The general authority for these rules, as cited by the department, is SDCL 31-28-10.1, 32-25-7, and 32-25-7.1.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on June 24, 2010, at 9:05 a.m. CDST. Copies of the proposed rules 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 June 23, 2010, 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).

Department of Revenue and Regulation: Division of Insurance: (June 2, 2010) intends to amend a Life Insurance rule to prohibit the inclusion of exclusionary riders on life insurance policies without the insured's consent and adopt External Review rules to ensure that life insurance policyholders are aware of any policy changes that would affect them and have the opportunity to reject changes proposed by their insurance company. The general authority for these rules, as cited by the division, is SDCL 58-11-63, 58-15-45, 58-17-87, 58-17C-57, 58-17C-63, 58-18-79, and 58-33A-7.

A public hearing will be held in the 2nd Floor Conference Room, Room 240, Capitol Lake Plaza, Pierre, South Dakota, on June 29, 2010, at 10:00 a.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. Material sent by mail must reach the Division of Insurance by June 28, 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. 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 STATE'S OFFICE:

Executive Appointments:

JoAnne Cleveland, Spearfish, was appointed on May 20, 2010, to the **Planning Council on Developmental Disabilities**, to replace Travis Arneson, effective July 1, 2010, and shall continue until June 30, 2013.

Deanne Curran, Flandreau, was reappointed on May 20, 2010, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2010, and shall continue until June 30, 2013.

Charles Fullenkamp, Rapid City, was reappointed on May 20, 2010, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2010, and shall continue until June 30, 2013.

Jackie Juhala, Spearfish, was appointed on May 20, 2010, to the **Planning Council on Developmental Disabilities**, to replace Georgene Short Bull, effective July 1, 2010, and shall continue until June 30, 2013.

Lisa Merchen, Spearfish, was appointed on May 20, 2010, to the **Planning Council on Developmental Disabilities**, to replace Isabel Trobaugh, effective July 1, 2010, and shall continue until June 30, 2013.

Bill Molseed, Pierre, was appointed on May 20, 2010, to the **Board of Service to the Blind and Visually Impaired**, to replace Larry Nelson, effective May 19, 2010.

Ed Pinkman, Aberdeen, was reappointed on May 20, 2010, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2010, and shall continue until June 30, 2013.

Kenneth Rollman, Rapid City, was appointed on May 20, 2010, to the **Board of Service to the Blind and Visually Impaired**, to replace Michael Klimisch, effective July 1, 2010, and shall continue until June 30, 2013.

Mark Way, Winner, was appointed on May 20, 2010, to the **Planning Council on Developmental Disabilities**, to replace Dillon Haug, effective July 1, 2010, and shall continue until June 30, 2013.

Valere Beeck, Alcester, was appointed on May 21, 2010, to the **Planning Council on Developmental Disabilities**, to replace Shannon Dirk, effective July 1, 2010, and shall continue until June 30, 2013.

Deanne Curran, Flandreau, was reappointed on May 21, 2010, to the **Planning Council on Developmental Disabilities**, effective July 1, 2010, and shall continue until June 30, 2013.

Mary T. Guth, Sioux Falls, was reappointed on May 21, 2010, to the **Board of Examiners for Counselors and Marriage and Family Therapists**, effective July 1, 2010, and shall continue until June 30, 2013.

Jim Kinyon¸ Rapid City, was reappointed on May 21, 2010, to the **Board of Examiners for Counselors and Marriage and Family Therapists**, effective July 1, 2010, and shall continue until June 30, 2013.

Jill Schoen, Mansfield, was reappointed on May 21, 2010, to the **Board of Examiners for Counselors and Marriage and Family Therapists**, effective July 1, 2010, and shall continue until June 30, 2013.

James R. Bartels, Pierre, was reappointed on May 24, 2010, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2010, and shall continue until June 30, 2012.

Richard Bird, Sisseton, was reappointed on May 24, 2010, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2010, and shall continue until June 30, 2012.

Leon Cantin, Sioux Falls, was reappointed on May 24, 2010, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2010, and shall continue until June 30, 2012.

Kevin Joffer, Sioux Falls, was reappointed on May 24, 2010, to the **South Dakota Certification Board of Alcohol and Drug Professionals**, effective July 1, 2010, and shall continue until June 30, 2013.

Janine Kern, Rapid City, was reappointed on May 24, 2010, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2010, and shall continue until June 30, 2012.

Julie K. Meintsma, Pierre, was reappointed on May 24, 2010, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2010, and shall continue until June 30, 2012.

Sylvia B. Mikkelsen, Gregory, was reappointed on May 24, 2010, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2010, and shall continue until June 30, 2012.

Greg Sands, Sioux Falls, was appointed on May 24, 2010, to the **Drug and Alcohol Abuse Advisory Council**, to replace Duane Mackey, effective May 20, 2010, and shall continue until June 30, 2011.

Diane Sevening, Vermillion, was reappointed on May 24, 2010, to the **South Dakota Certification Board of Alcohol and Drug Professionals**, effective July 1, 2010, and shall continue until June 30, 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

6-15-2010	Education: Professional Teachers Practices and Standards Commission	Amend rules to add sections to the Code of Ethics for Teachers that prohibits sexual activity with students and require that teachers exemplify high moral standards; and to accurately refer to the Secretary of the Commission as the Executive Secretary; 36 SDR 189.
6-24-2010	Transportation	Amend a speed zone in Lawrence County on U.S. Highway 14A near the north city limits of Deadwood that is being extended through an area with heavy traffic entering and leaving the highway; amend a speed zone in Union County on Interstate 29 Business Loop at Exit 15 that is being extended through an area of development; repeal a speed zone in Union County on Interstate 29 Business Loop at Exit 15 due to it being incorporated into another rule; and amend rules to authorize geographical significant site reference centers to be eligible for interstate traffic generating

		facility signage; 36 SDR 203.
6-29-2010	Health: Board of Massage Therapy	Amend rules to provide standards for the training schools, a third choice for a national examination, and over-all clarification of several rules; 36 SDR 199.
6-29-2010	Revenue and Regulation: Division of Insurance	Amend a Life Insurance rule to prohibit the inclusion of exclusionary riders on life insurance policies without the insured's consent and adopt External Review rules to ensure that life insurance policyholders are aware of any policy changes that would affect them and have the opportunity to reject changes proposed by their insurance company; 36 SDR 203.
8-25-2010	Military and Veteran Affairs	Amend a rule regarding furloughs for residents of the Michael J. Fitzmaurice South Dakota Veterans Home; 36 SDR 199.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 8, 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 CB109; and Sioux Falls – SFUC, 2205 Career Ave., Room 282 S. The committee chair has set the following tentative meeting schedule for the 2010 interim: 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***.

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 36 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).