

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., June 14, 2010

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

Department of Agriculture: Agronomy Services: (June 10, 2010) intends to amend Apiary rules regarding entrance permits, inspections, and contested case procedures. The general authority for these rules, as cited by the department, is SDCL 38-18-28 and 38-18-28.1.

A public hearing will be held in the Mathews Training Center, Foss Building, 523 East Capitol, Pierre, South Dakota, on July 6, 2010, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501-1234. Material sent by mail must reach the department by July 16, 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) 773-3796 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF LABOR: SOUTH DAKOTA RETIREMENT SYSTEM:
20:16:01:01; 20:16:14:01 to 20:16:14:12, inclusive; 20:16:15:01 to 20:16:15:35, inclusive; 20:16:16:01 to 20:16:16:33, inclusive; 20:16:17:01 to 20:16:17:41, inclusive; 20:16:18:01 to 20:16:18:41, inclusive; and 20:16:19:01 to 20:16:19:43, inclusive.

History-Notice: 36 SDR 141, March 22, 2010
Hearing: April 7, 2010
Filed: June 8, 2010
Effective: July 1, 2010

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF MINERALS AND ENVIRONMENT:

74:36:01:01, 74:36:01:05, 74:36:01:10, 74:36:01:20, 74:36:01:21; 74:36:02:02 to 74:36:02:05, inclusive; 74:36:03:01, 74:36:03:02; 74:36:04:02 to 74:36:04:04, inclusive, 74:36:04:06, 74:36:04:07, 74:36:04:09 to 74:36:04:13, inclusive, 74:36:04:15 to 74:36:04:18, inclusive, 74:36:04:20, 74:36:04:20.01, 74:36:04:20.04, 74:36:04:23, 74:36:04:27, 74:36:04:32; 74:36:05:01 to 74:36:05:04.01, inclusive, 74:36:05:06 to 74:36:05:09, inclusive, 74:36:05:12, 74:36:05:16.01, 74:36:05:17, 74:36:05:18, 74:36:05:20.01, 74:36:05:20.03, 74:36:05:21.01, 74:36:05:28, 74:36:05:30 to 74:36:05:32, inclusive, 74:36:05:38, 74:36:05:41, 74:36:05:42, 74:36:05:44, 74:36:05:46, 74:36:05:51; 74:36:07:01 to 74:36:07:07.01, inclusive, 74:36:07:09, 74:36:07:10, 74:36:07:12 to 74:36:07:28, inclusive, 74:36:07:31 to 74:36:07:34, inclusive, 74:36:07:36, 74:36:07:37, 74:36:07:39 to 74:36:07:90, inclusive; 74:36:08:01 to 74:36:08:121, inclusive; 74:36:09:02, 74:36:09:03; 74:36:10:02, 74:36:10:03.01, 74:36:10:05, 74:36:10:07 to 74:36:10:10, inclusive; 74:36:11:01; 74:36:12:01, 74:36:12:03; 74:36:13:02 to 74:36:13:04, inclusive, 74:36:13:06 to 74:36:13:08, inclusive; 74:36:16:01, 74:36:16:02, 74:36:16:04, 74:36:16:05; 74:36:18:10; 74:36:19:01 to 74:36:19:15, inclusive; and 74:36:20:01 to 74:36:20:24, inclusive.

History-Notice: 36 SDR 139, March 15, 2010
Hearing: April 15, 2010
Filed: June 8, 2010
Effective: June 28, 2010

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES: BOARD OF
WATER AND NATURAL RESOURCES:**

74:05:07:01 to 74:05:07:03, inclusive,
74:05:07:06, 74:05:07:08, 74:05:07:08.01,
74:05:07:12; 74:05:08:01 to 74:05:08:04,
inclusive, 74:05:08:07, 74:05:08:12 to
74:05:08:13.03, inclusive, 74:05:08:16,
74:05:08:18, 74:05:08:19, 74:05:08:21;
74:05:10:11; 74:05:11:01, 74:05:11:02,
74:05:11:05 to 74:05:11:06.01, inclusive,
74:05:11:08, 74:05:11:09, 74:05:11:11 to
74:05:11:12.03, inclusive, 74:05:11:15.01,
74:05:11:17, 74:05:11:18.01, 74:05:11:19,
74:05:11:21, and 74:05:11:22.

History-Notice: 36 SDR 176, May 3, 2010
Hearing: May 21, 2010
Filed: June 8, 2010
Effective: June 28, 2010

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES:
ENVIRONMENTAL SERVICES:**

74:37:01:03.01, 74:37:01:04, 74:37:01:05,
74:37:01:06, 74:37:01:07, 74:37:01:07.01, and
74:37:01:07.02.

History-Notice: 36 SDR 183, May 10, 2010
Hearing: May 25, 2010
Filed: June 8, 2010
Effective: June 28, 2010

**DEPARTMENT OF AGRICULTURE:
AGRICULTURAL SERVICES:** 12:05:01:01;
12:05:06:06; and 12:05:14:01 to 12:05:14:03,
inclusive.

History-Notice: 36 SDR 141, March 22, 2010
Hearing: April 14, 2010
Filed: June 9, 2010
Effective: June 29, 2010

**DEPARTMENT OF AGRICULTURE:
WEED AND PEST CONTROL
COMMISSION:** 12:62:03:01.07.

History-Notice: 36 SDR 141, March 22, 2010
Hearing: April 14, 2010
Filed: June 9, 2010
Effective: June 29, 2010

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES: BOARD OF
WATER AND NATURAL RESOURCES:**

74:05:05:01 to 74:05:05:04, inclusive,
74:05:05:07 to 74:05:05:10, inclusive,
74:05:05:12, and 74:05:05:13.

History-Notice: 36 SDR 175, May 3, 2010
Hearing: May 21, 2010
Filed: June 9, 2010
Effective: June 29, 2010

**DEPARTMENT OF HUMAN SERVICES:
BOARD OF SOCIAL WORK
EXAMINERS:** 20:59:01:10.06.

History-Notice: 36 SDR 161, April 19, 2010
Hearing: May 21, 2010
Filed: June 10, 2010
Effective: June 30, 2010

**DEPARTMENT OF REVENUE AND
REGULATION: BANKING COMMISSION
AND DIVISION OF BANKING:** 20:07:05:32;
20:07:10:03; 20:07:19:06 to 20:07:19:08,
inclusive, 20:07:19:15; 20:07:22:03, and
20:07:22:04.

History-Notice: 36 SDR 157, April 12, 2010
Hearing: May 13, 2010
Filed: June 10, 2010
Effective: June 30, 2010

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE: 20:06:13:13, 20:06:13:16, 20:06:13:17.06, 20:06:13:17.14, 20:06:13:17.15, 20:06:13:21, 20:06:13:28, 20:06:13:32, 20:06:13:36, 20:06:13:37, 20:06:13:39, 20:06:13:42, 20:06:13:48, 20:06:13:52, 20:06:13:54, 20:06:13:56, 20:06:13:58, 20:06:13:60, 20:06:13:61, 20:06:13:62, 20:06:13:81, Appendix D, Appendix E; and 20:06:18:12.

History-Notice: 36 SDR 175, May 3, 2010
Hearing: May 17, 2010
Filed: June 10, 2010
Effective: June 30, 2010

SECRETARY OF STATE: BOARD OF ELECTIONS: 5:02:03:24; 5:02:04:21; 5:02:05:02, 5:02:05:02.01; 5:02:06:01, 5:02:06:10, 5:02:06:15; 5:02:08:24, 5:02:08:45; 5:02:10:01, 5:02:10:01.04, 5:02:10:06; and 5:02:16:44.

History-Notice: 36 SDR 161, April 19, 2010
Hearing: May 12, 2010
Filed: June 10, 2010
Effective: June 30, 2010

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE: 20:06:12:07; 20:06:19:04; 20:06:21:01, 20:06:21:01.06, 20:06:21:67, 20:06:21:87 to 20:06:21:108, inclusive, Appendices H & M; 20:06:25:01, 20:06:25:01.01, 20:06:25:01.02, 20:06:25:02; 20:06:26:01; 20:06:36:01, 20:06:36:04, 20:06:36:05; and 20:06:39:42.

History-Notice: 36 SDR 141, March 22, 2010
Hearing: April 13, 2010
Filed: June 11, 2010
Effective: July 1, 2010

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE: 20:06:48:09.

History-Notice: 36 SDR 139, March 15, 2010
Hearing: April 15, 2010
Filed: June 11, 2010
Effective: July 1, 2010

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE: 20:06:48:13.

History-Notice: 36 SDR 158, April 12, 2010
Hearing: May 4, 2010
Filed: June 11, 2010
Effective: July 1, 2010

Executive Appointments:

Ann Bauman, Mitchell, was appointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, to replace Ramona White Plume, effective July 1, 2010, and shall continue until June 30, 2013.

Nora Boesem, Newell, was appointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, to replace Amanda Lautenschlager, effective July 1, 2010, and shall continue until June 30, 2013.

Vickie Claymore-Lahammer, Aberdeen, was reappointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2013.

Jennifer Constantine, Rapid City, was appointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, to replace Rhonda Palm, effective July 1, 2010, and shall continue until June 30, 2013.

Lyle Cook, Eagle Butte, was reappointed on June 2, 2010, to the **Board of Vocational**

Rehabilitation, effective immediately and shall continue until June 30, 2013.

Desiree Cyr, Groton, was reappointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2013.

Nicole Darland, Sioux Falls, was appointed on June 2, 2010, to the **Board of Vocational Rehabilitation**, to replace Mary I'atala, effective July 1, 2010, and shall continue until June 30, 2013.

Brett Glirbas, Sioux Falls, was appointed on June 2, 2010, to the **Board of Vocational Rehabilitation**, to replace Beth Haug, effective July 1, 2010, and shall continue until June 30, 2013.

Leo D. Hallan, Yankton, was appointed on June 2, 2010, to the **Board of Vocational Rehabilitation**, to replace Chris Olson, effective July 1, 2010, and shall continue until June 30, 2011.

Carol Kirchesler, Aberdeen, was appointed on June 2, 2010, to the **Board of Vocational Rehabilitation**, to replace James Hayes, effective July 1, 2010, and shall continue until June 30, 2011.

Lois Knoke, Huron, was reappointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2013.

Barbara Lefdal, Sioux Falls, was reappointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2013.

Roseann Peterson-Olson, Arlington, was reappointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory**

Council, effective immediately and shall continue until June 30, 2013.

Ellen Washenberger, Aberdeen, was reappointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2013.

Jane York, Yankton, was reappointed on June 2, 2010, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2013.

Frederick Magnavito, Rapid City, was reappointed on June 3, 2010, to the **Board of Examiners of Psychologists**, effective immediately and shall continue until June 30, 2013.

Bradley D. Woldt, Brookings, was reappointed on June 3, 2010, to the **Board of Examiners of Psychologists**, effective immediately and shall continue until June 30, 2013.

Doug Barthel, Sioux Falls, was reappointed on June 4, 2010, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2013.

Jeff Carmon, Sioux Falls, was reappointed on June 4, 2010, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2013.

Ted Ruffedt, Jr., Rapid City, was reappointed on June 4, 2010, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2013.

Kelly Serr, Bison, was appointed on June 4, 2010, to the **South Dakota 911 Coordination Board**, to replace Jason Bechtold, effective July 1, 2010, and shall continue until June 30, 2013.

Rita Thompson, Buffalo, was reappointed on June 4, 2010, to the **South Dakota Commission on Gaming**, effective immediately and shall continue until April 14, 2013.

Legislative Appointment:

Jon Hunter, Madison, was appointed on June 8, 2010, to the **South Dakota Investment Council**, to replace Paul Livermore, effective July 1, 2010, and shall continue until June 30, 2015.

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.
7-6-2010	Agriculture: Agronomy Services	Amend Apiary rules regarding entrance permits, inspections, and contested case procedures; 36 SDR 207.
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, July 20, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: 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>.