

# REGISTER



## South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., July 30, 2012

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

**Governor's Office of Economic Development:** (July 24, 2012) intends to amend rules to allow public or private developers, in addition to political subdivisions, to submit applications for certified sites; establish a uniform standard for certification revocation; and clarify the basis for site certification. The general authority for these rules, as cited by the office, is SDCL § 6-18-4.

A public hearing will be held in the conference room at the offices of the Governor's Office of Economic Development, 711 E. Wells Avenue, Pierre, South Dakota, on August 16, 2012, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Governor's Office of Economic Development, 711 East Wells Avenue, Pierre, South Dakota 57501. Written comments must be received by August 15, 2012, 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) 773-5652 at least 48 hours before the hearing.

**Department of Labor and Regulation: Division of Insurance:** (July 25, 2012) intends to amend rules to set standards for selling annuities or life insurance when replacing other coverage and define the term initial pretrial hearing. The general authority for these rules, as cited by the department, is SDCL §§ 58-4-1, 58-30-117, 58-30-195, and 58-33A-7.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre,

South Dakota, on August 21, 2012, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the 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's website:

[http://dlr.sd.gov/insurance/legal/public\\_hearings.aspx](http://dlr.sd.gov/insurance/legal/public_hearings.aspx). The rules may also be obtained as a Microsoft Word attachment by emailing [gretchen.brodkorb@state.sd.us](mailto:gretchen.brodkorb@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:**

**SECRETARY OF STATE:** 5:04:08:01 and 5:04:08:02.

History-Notice: 38 SDR 204, May 21, 2012  
Hearing: June 11, 2012  
Filed: July 23, 2012  
Effective: August 13, 2012

### **Executive Appointments:**

**Scott Erstad**, Badger, was reappointed on July 23, 2012, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2015.

**Gary Ulmer**, Menno, was reappointed on July 23, 2012, to the **South Dakota Snowmobile Advisory Council**, effective

immediately and shall continue until June 30, 2015.

**Mary McClure Bibby**, Brookings, was reappointed on July 25, 2012, to the **Commission on Equal Access to Our Courts**, effective immediately and shall continue until June 30, 2015.

**Matt Cain**, Sioux Falls, was reappointed on July 26, 2012, to the **Board of Vocational Rehabilitation**, effective immediately and shall continue until June 30, 2015.

**Jody R. Carpenter**, Brookings, was appointed on July 26, 2012, to the **South Dakota Advisory Council for Children with**

**Disabilities**, to replace Gail Eichstadt, effective July 23, 2012, 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**

8-2-2012	Game, Fish and Parks	Amend Hunting Requirements and Prohibited Methods rules to create accompaniment allowances for big game hunters and place the responsibility for adherence to the rule on the accompanying person who is not licensed to hunt big game, and allow for use of smokeless powder and peep sights and other optics that do not employ magnification during seasons restricted to Muzzleloading rifles; amend Waterfowl Hunting Seasons rules to increase the daily bag limit for redheads; increase the Canada goose daily bag limit and possession limit, and make corrections to the boundary descriptions for Units 1 and 2; amend a Bait rule to add the East Vermillion River, West Vermillion River, and Firesteel Creek below Lake Mitchell to the list of waters that are closed to the commercial and noncommercial taking of bait; and adopt Wildlife Rehabilitation rules to initiate a formalized program for the temporary care, rehabilitation, and release of certain resident wildlife species; 39 SDR 9.
8-8-2012	Labor and Regulation: Banking Commission and the Division of Banking	Amend rules to clarify the types of mutual funds that may be invested in or held by banks chartered and regulated by the Division of Banking; increase the annual asset based supervision fee paid by state-chartered trust

		companies and to establish a separate minimum and maximum fee amount payable by private and public trust companies; amend the trust administration duties that must be done in South Dakota by public trust companies to comply with a statutory requirement; repeal an unnecessary proof of experience requirement for certain mortgage license applicants; and remove unnecessary transition language related to continuing education requirements; 39 SDR 15.
8-16-2012	Governor's Office of Economic Development	Amend rules to allow public or private developers, in addition to political subdivisions, to submit applications for certified sites; establish a uniform standard for certification revocation; and clarify the basis for site certification; 39 SDR 19.
8-17-2012	Agriculture: Board of Veterinary Medical Examiners	Amend a rule to provide for a more efficient Exam Board response to veterinary technicians and their employers as veterinary technicians complete the personal interview requirement prior to becoming registered; 39 SDR 15.
8-21-2012	Labor and Regulation: Division of Insurance	Amend rules to set standards for selling annuities or life insurance when replacing other coverage and define the term initial pretrial hearing; 39 SDR 19.
9-7-2012	Tourism: State Historical Society	Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant; 38 SDR 199.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 14, 2012. The committee chair has set the following tentative meeting schedule for the 2012 interim: September 18, November 13, and December 18.

**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>.

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