

REGISTER

South Dakota Legislative Research Council



Volume 35

Monday, 8:00 a.m., August 4, 2008

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

Department of Labor: South Dakota Retirement System: (August 1, 2008) is proposing to amend rules to clarify the due dates for employer contribution reports; to establish the contents of an expiration period for contracts to purchase credited service; to clarify a rule regarding qualified domestic relations orders; to provide for declaratory rulings pursuant to the Administrative Procedures Act; to establish the basis for computation of Supplemental Pension Benefits and to clarify participants' expectations related thereto; to allow contributions to the Supplemental Retirement Plan by employers and the System; to provide for operation of the Automatic Enrollment feature within the Supplemental Retirement Plan; and to amend continuing administrative law to bring it into conformity with federal law. The general authority for these rules, as cited by the board, is SDCL 3-12-58, 3-13A-4, and 3-13-54.

A public hearing will be held in Conference Room A at the Holiday Inn Express, 110 East Stanley, Fort Pierre, South Dakota, on September 3, 2008, at 1:00 p.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501-1098. Material sent by mail must be received by September 2, 2008, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3731 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

Jill Schoen, Mansfield, was appointed on July 25, 2008, to the **Board of Examiners for Counselors and Marriage and Family Therapists**, to replace Grace Mims, effective July 24, 2008, and shall continue until June 30, 2010.

Teresa Marts, Winner, was appointed on July 30, 2008, to the **South Dakota Crime Victims' Compensation Commission**, to replace Dr. Jerome Howe, effective July 30, 2008, and shall continue until June 30, 2009.

Marvin Post, Volga, was appointed on July 30, 2008, to the **American Dairy Association of South Dakota**, to replace Allen Merrill, effective July 25, 2008, and shall continue until June 30, 2011.

Steve Sneer, Brookings, was reappointed on July 30, 2008, to the **American Dairy Association of South Dakota**, effective immediately and shall continue until June 30, 2010.

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

8-7-2008	Game, Fish and Parks	<p>Amend Wildlife Preservation Facility rules to establish a "wildlife preservation facility" defined to include persons/entities that hold a South Dakota sales tax license to operate a business that receives, possesses or has custody of any wild animal belonging to another person for the purpose of picking, skinning, cleaning, freezing, processing or storage; establish requirements for a "wildlife preservation facility" pertaining to record keeping, record retention and issuance of receipts for all wild animals leaving such facilities; and establish authority for department personnel to inspect wildlife preservation facilities, wild animals and records required to be maintained and held on the premises; amend Transportation of Game rules to establish a new rule section setting forth requirements for gifting of game and defining what is meant by "gift;" revise game bird transportation and packaging requirements to allow removal of plumage on game birds (except wild turkeys) after they leave a "wildlife preservation facility" with the required receipt or a possessor's license, clarify that game birds may not be transported by unlicensed individuals, and create an allowance and tagging requirements for game birds, except wild turkey, to be transported by another licensed individual to a "wildlife preservation facility;" except gifts of game from the requirement for a game transportation permit; and revise the identification requirements pertaining to transportation of big game to create an allowance and requirements for big game parts to be transported from a person's domicile to another location; amend Waterfowl Hunting Seasons (Duck Hunting Season) rules to establish season dates, daily bag and possession limits for duck, coot and merganser, which include increasing the daily bag limit for Wood Duck from 2 to 3; amend Waterfowl Hunting Seasons (Goose Hunting Season) rules to establish season dates, daily</p>
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		bag and possession limits for Canada geese, light geese and white-fronted geese; remove Perkins County from Unit 1 and include with Unit 2; change the opening date for the Canada goose hunting season in Unit 2 from the fourth Saturday of October to the Saturday closest to November 1 (November 1, 2008); amend Waterfowl Hunting Season (Roadways Closed to Hunting) rules to open road rights-of-way around Sand Lake National Wildlife Refuge to hunting that once were closed in the "spaced Blind Areas," except for the five mile stretch along Brown County Highway 16 near the refuge headquarters; and amend General Provisions (Fish) rules to establish a new rule section setting forth requirements for gifting of fish and defining what is meant by "gift;" revise requirements pertaining to transportation and storage of fish to reflect the new emphasis on "domicile" in the revised statutory definition of "resident," and incorporate statutory tagging requirements; and except gifts of fish from the requirement for a fish transportation permit; 35 SDR 15.
8-29-2008	Revenue and Regulation: Division of Insurance	Amend rules to require insurance companies to set policy reserves and nonforfeiture values for preneed insurance contracts based on the "Ultimate 1980 CSO" tables; 35 SDR 23.
9-3-2008	Labor: South Dakota Retirement System	Amend rules to clarify the due dates for employer contribution reports; to establish the contents of an expiration period for contracts to purchase credited service; to clarify a rule regarding qualified domestic relations orders; to provide for declaratory rulings pursuant to the Administrative Procedures Act; to establish the basis for computation of Supplemental Pension Benefits and to clarify participants' expectations related thereto; to allow contributions to the Supplemental Retirement Plan by employers and the System; to provide for operation of the Automatic Enrollment feature within the Supplemental Retirement Plan; and to amend continuing administrative law to bring it into conformity with federal law; 35 SDR 31.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect

		changes made to the federal hazardous waste rules from July 1, 2006 through June 30, 2007. Changes include establishing a standardized permit for hazardous waste storage facilities; and a variety of corrections that encompass printing omissions, typographical errors, misspellings and erroneous or missing citations and references throughout the rules; 34 SDR 278.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Amend asbestos training and certification requirements and state approval rules to allow a longer timeframe for certified asbestos workers to renew required certification; to clarify notification and documentation requirements for asbestos training providers that seek accreditation for the training services; and to require annual training to take place in South Dakota and an annual approval for accredited asbestos training providers; 35 SDR 16.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 19, 2008, in LCR 1 and 2, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: September 23, December 2, and January 12, 2009.

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>.