

# REGISTER

*South Dakota Legislative Research Council*



*Volume 29*

*Monday, 8:00 a.m., August 12, 2002*

---

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

---

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

***Public Utilities Commission: One-Call***

***Notification Board:*** (August 9, 2002) intends to clarify definitions of certain terms, establish requirements for facility operators, notification requirements for excavators, emergency ticket notification, requirements for protection and preservation of markings, amend a reference, response time for facility operators on emergency ticket notifications and modification ticket requests, allow the board to extend the vendor contract for one-call centers in periods of one to three years. The general authority for these rules, as cited by the commission, is SDCL 49-7A-4.

A public hearing will be held in Conference Room A, at the Holiday Inn Express, 110 East Stanley Road, Fort Pierre, South Dakota, on September 4, 2002, at 9:30 a.m. Copies of the proposed rules may be obtained from the South Dakota One-Call Notification Board, 1012 N. Sycamore Avenue, Sioux Falls, South Dakota 57110-5747. The rules may also be found on the web site: <http://www.sdonecall.com>. Written comments may be sent to the One-Call Notification Board, c/o South Dakota Public Utilities Commission, 500 East Capitol, Pierre, South Dakota 57501-5070 or by e-mail to [debra.elfson@state.sd.us](mailto:debra.elfson@state.sd.us). Materials sent by mail must be received by September 3, 2002, 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) 339-0529 at least forty-eight hours before the hearing.

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

***Administrative Rules:***

**DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:03:01:16.02, 41:04:05:02, 41:04:05:02.01, 41:06:20:02, 41:06:21:01, 41:06:21:02, 41:06:23:02, 41:06:23:03, 41:06:50:02, 41:09:01:02.01, and 41:09:01:03.

History-Notice: 28 SDR 181, June 24, 2002

Hearing: July 11, 2002

Filed: August 6, 2002

Effective: August 26, 2002

**DEPARTMENT OF HEALTH: (Correction)**

44:22:01:01 to 44:22:01:03; 44:22:02:01 to 44:22:02:10, inclusive; 44:22:03:03; 44:22:04:01; 44:22:05:01, 44:65:01:01; and 44:65:02:01 to 44:65:02:06, inclusive.

History-Notice: 28 SDR 165, May 28, 2002

Hearing: June 19, 2002

Filed: August 7, 2002

Effective: August 27, 2002

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:**

74:28:21:01, 74:28:21:02, 74:28:22:01, 74:28:22:02, 74:28:23:01, 74:28:24:01, 74:28:25:01, 74:28:25:03, 74:28:25:04, 74:28:25:05, 74:28:26:01, 74:28:27:01, 74:28:28:01, 74:28:28:03, 74:28:28:04, 74:28:28:05, 74:28:30:01, and 74:28:33:01.

History-Notice: 28 SDR 165, May 28, 2002

Hearing: July 18, 2002

Filed: August 8, 2002

Effective: August 26, 2002

***Executive Appointments:***

**James C. Spies**, Watertown, was appointed on July 22, 2002, to the **Education Enhancement Funding Corporation Governing Board**. This appointment is effective immediately and to continue at the pleasure of the Governor.

**Mark E. Griffen**, Sioux Falls, was appointed on July 22, 2002, to the **Education Enhancement Funding Corporation Governing Board**. This appointment is effective immediately and to continue at the pleasure of the Governor.

**Stephen Rosenthal**, Sioux Falls, was reappointed on August 2, 2002, to the **Commission on Judicial Qualifications**. This appointment is effective immediately and to continue to July 1, 2006.

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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

8-13-2002	Commerce and Regulation: SD Real Estate Commission	Establish provisions for prelicensing and continuing education, compensate for reduction in funds, and conform the rules to statutes; 29 SDR 5.
8-16-2002	South Dakota Lottery	Update existing Powerball game rule to conform with rules adopted by the Powerball Group of the Multi-State Lottery Association; 29 SDR 15.
8-20-2002	Commerce and Regulation: Division of Insurance	Replacement of life insurance, HIPAA rules – employer plans, privacy of consumer financial information, and nondiscrimination in group market; 29 SDR 1.
8-22-2002	Department of Transportation	Amend speed zones in Minnehaha and Potter County; 29 SDR 15.
8-30-2002	Education and Cultural Affairs	Change method of calculating exclusions when opting out of property tax limitations; 29 SDR 19.
9-4-2002	Public Utilities Commission: One-Call Notification Board	One-call notification system, requirements for facility operators, notification requirements, emergency notification, excavator requirements, response time for facility operators, vendor contract; 29 SDR 21.

9-30-2002	Department of Commerce and Regulation: Board of Social Work Examiners	Assist social workers in achieving highest level of continuing education, clarify existing rules, and allow board to recover costs associated with examination fees; 29 SDR 15
-----------	---	--

***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 17 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: November 20 and January 6.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is now available at the LRC office and on the LRC web site.

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 29 are \$20. 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.cfm>).