

REGISTER

South Dakota Legislative Research Council



Volume 28

Monday, 8:00 a.m., August 20, 2001

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)

Department of Commerce and Regulation:

Board of Chiropractic Examiners: (August 14, 2001) intends to adopt rules to define "manipulation/mobilization" and "committee"; update requirements for declaratory rulings; update the information necessary for application for examination and provide for license reciprocity; provide for duplicate certificates and licenses; update requirements for continuing education courses; update the code of ethics and establish an ethics committee; define acceptable advertising; provide compliance with SDCL 47-11F concerning healthcare corporations; update procedures involving disciplinary actions and establish a disciplinary committee; update actions that warrant sanctions; increase the fee for certificate of registration and provide continuing education for chiropractic radiography; define negative peer review in the peer review process; and set fees for peer review. The general authority for these rules, as cited by the board, is SDCL 36-5-4, 36-5-12, 36-5-14.2, 36-5-15.2, 36-5-15.3, 36-5-16.1, 36-5-19, 36-5-20, 36-5-21, and 47-11F-3.

A public hearing will be held at Cedar Shores Resort, River Run Room, Chamberlain, South Dakota, on Friday, September 21, 2001, at 8:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Marcia Walter, Executive Secretary, South Dakota Board of Chiropractic Examiners, 2603 Ella Lane, Yankton, South Dakota 57078. Written comments must be received by September 18, 2001, 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) 668-9017 at least forty-eight hours before the hearing.

Department of Game, Fish and Parks: (August 15, 2001) is proposing rules to prohibit year around use and possession of weapons at Spirit Mound and only permitting use and possession of bow and arrows at Chief White Crane during a limited period; correct references to the Spring Creek Recreation Area year round ban on possession of firearms and bows; modify duck hunting seasons to prohibit the harvest of canvasback ducks statewide except from October 13, 2001, through November 6, 2001, and during the youth waterfowl season; and modify the length of the Canada goose hunting season in applicable units. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Dakota Territory Capitol Building, 610 Summit, Yankton, South Dakota, on Thursday, September 6, 2001, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

Office of Attorney General: (August 16, 2001)

intends to adopt rules to allow the taking of alternative biological samples and to explain who may take the samples and what procedures are involved. The general authority for these rules, as cited by the office, is SDCL 23-5-16 and 23-5-17.

A public hearing will be held in Room 413, State Capitol Building, 500 East Capitol, Pierre, South Dakota, on Thursday, September 13, 2001, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Office of Attorney General, 500 East Capitol, Pierre, South Dakota 57501-5070. Written comments must be received by September 24, 2001, 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) 773-3215 or TDD (605) 773-6585 at least forty-eight hours before the hearing.

Department of Commerce and Regulation:
Public Utilities Commission: (August 16, 2001) intends to adopt rules to make the Public Utilities Commission's motor carrier administrative rules conform to state and federal transportation laws and policies. The general authority for these rules, as cited by the commission, is SDCL 49-28-33.

A public hearing will be held in Room 412, State Capitol Building, 500 East Capitol, Pierre, South Dakota, on Wednesday, September 12, 2001, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Public Utilities Commission, State Capitol Building, 500 East Capitol, Pierre, South Dakota 57501-5070. The proposed rules may also be found on the Public Utilities Commission's home page at: <http://www.state.sd.us/puc>. Written comments must be received by September 24, 2001, 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) 773-3201 at least forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF COMMERCE AND REGULATION: REAL ESTATE

COMMISSION: 20:69:02:03; 20:69:03:12.03; 20:69:06:04; 20:69:14:02.01; 20:69:04:01, 20:69:04:01.02, 20:69:04:08, 20:69:04:08.01, 20:69:04:08.02, 20:69:04:08.03, 20:69:04:08.04, 20:69:04:09, 20:69:04:09.01, 20:69:04:10, 20:69:04:10.01, 20:69:04:11, 20:69:04:11.01, 20:69:04:12 to 20:69:04:29, inclusive; 20:69:11:01, 20:69:11:01.01, 20:69:11:02, 20:69:11:03, 20:69:11:03.01, 20:69:11:06, 20:69:11:07, 20:69:11:07.01, 20:69:11:08, 20:69:11:08.01, 20:69:11:08.02, 20:69:11:08.03, 20:69:11:08.04, 20:69:11:09, 20:69:11:10, 20:69:11:11, 20:69:11:12, 20:69:11:13, 20:69:11:13.01, 20:69:11:14, 20:69:11:16, 20:69:11:17, 20:69:11:17.01, 20:69:11:18, 20:69:11:19, 20:69:11:19.01, 20:69:11:20, 20:69:11:22, 20:69:11:23, 20:69:11:24, 20:69:11:25; 20:74:03:01, 20:74:03:01.01, 20:74:03:03.01, 20:74:03:03.02, 20:74:03:03.03, 20:74:03:03.04, 20:74:03:11, 20:74:03:14, 20:74:03:14.01, 20:74:03:19 to 20:74:03:30, inclusive; 20:74:04:01, 20:74:04:02, 20:74:04:06, 20:74:04:06.01, 20:74:04:09, 20:74:04:10, 20:74:04:11, 20:74:04:12, 20:74:04:14, 20:74:04:15, 20:74:04:17, 20:74:04:18, 20:74:04:19, 20:74:04:19.01, 20:74:04:21.01, 20:74:04:23, 20:74:04:23.01, 20:74:04:26, 20:74:04:28 to 20:74:04:32, inclusive; and 20:74:06:01 to 20:74:06:15, inclusive.

History-Notice: 27 SDR 117, May 7, 2001
Hearing: June 13, 2001
Filed: August 13, 2001
Effective: September 2, 2001

DEPARTMENT HUMAN SERVICES:

40:20:11:01 to 40:20:11:09, inclusive.

History-Notice: 27 SDR 141, June 18, 2001
 Hearing: July 16, 2001
 Filed: August 14, 2001
 Effective: September 3, 2001

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.

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

REMINDER OF HEARINGS SCHEDULED

8-22-2001	Health	Streamline process of recruiting international medical graduates to SD; 28 SDR 12.
8-22-2001	Investment Council	Implement Higher Education Savings Plan; 28 SDR 15.
8-27-2001	Agriculture	Increase farmers' and ranchers' access to capital for investment in cooperatives; 28 SDR 11.
8-27-2001	Public Utilities Commission: One Call Notification Board	March board meeting, define duties of chair and secretary/treasurer, permit board to hire or contract duties, functions, and powers, allow excavators to assign emergency tickets; 28 SDR 15.
8-27-2001	Agriculture: Animal Industry Board	Importing nondomestic animals to be released in SD; 28 SDR 23.
8-30-2001	Agriculture: Value Added Finance Authority	Authorize additional source of financing for ag development; 28 SDR 19.
9-6-2001	Secretary of State	Change notary public application form, procedures for collecting voter registration information from county auditors, remove duplicate voter registrations, requests and prices for obtaining files for lists from statewide voter registration file; 28 SDR 23.
9-6-2001	Game, Fish and Parks	Year around use and possession of weapons at Spirit Mound, use of bow and arrows at Chief White Crane, correct references to Spring Creek Recreation Area ban on possession of firearms and bows, modify duck hunting and Canada goose hunting seasons; 28 SDR 27.

9-12-2001	Commerce and Regulation: Public Utilities Commission	Make motor carrier rules conform to state and federal law; 28 SDR 28.
9-13-2001	Attorney General	Allow taking alternative biological samples, who may take samples, procedures involved; 28 SDR 27.
9-21-2001	Commerce and Regulation: Board of Chiropractic Examiners	Define manipulation/mobilization and committee; requirements for declaratory rulings; application for examination, license reciprocity, duplicate certificates and licenses; continuing ed courses; update code of ethics and establish committee, acceptable advertising, comply with statute concerning healthcare corporations, procedures for disciplinary actions, establish disciplinary committee, update actions that warrant sanctions, increase fee for certificate of registration and provide continuing ed for radiography, define negative peer review, set fees for peer review; 28 SDR 27.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Monday, September 10 at 12:30 p.m. in Room 413 of the State Capitol. The meeting scheduled for October 8 will not be held; the final meeting of the 2001 interim will be November 28.

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. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

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

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