

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., September 24, 2012

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

Department of Labor and Regulation: Division of Labor and Management: (September 19, 2012) is proposing to amend rules to revise the workers compensation fee schedule. The general authority for these rules, as cited by the department, is SDCL § 62-7-8.

A public hearing will be held in Conference Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on October 18, 2012, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Labor and Regulation, Division of Labor and Management, 700 Governors Drive, Pierre, South Dakota 57501-2291. The text of the proposed rules is posted on the department's website:

<http://dlr.sd.gov/workerscomp/proposedadmrules.aspx>. A copy of the rules may also be obtained by emailing james.marsh@state.sd.us. Material sent by mail must be received by October 18, 2012, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3681 at least 48 hours before the hearing.

Department of Social Services: Division of Economic Assistance: (September 21, 2012) intends to amend rules to update payment standards regarding the Temporary Assistance for Needy Families program. The general authority for these rules, as cited by the department, is SDCL § 28-7A-3.

A public hearing will be held in the Kneip

Conference Room 2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on October 16, 2012, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by October 26, 2012, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE: 20:06:08:38 to 20:06:08:41, inclusive, 20:06:08:49 to 20:06:08:65, inclusive, Appendices A - F; and 20:06:18:21.

History-Notice: 39 SDR 19, July 30, 2012
Hearing: August 21, 2012
Filed: September 14, 2012
Effective: October 4, 2012

DEPARTMENT OF LABOR AND REGULATION: BANKING COMMISSION AND DIVISION OF BANKING: 20:07:03:12.01; 20:07:19:10, 20:07:19:12; 20:07:22:01 and 20:07:22:04.

History-Notice: 39 SDR 15, July 23, 2012
 Hearing: August 8, 2012
 Filed: September 17, 2012
 Effective: October 8, 2012

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT: 68:03:01:01, 68:03:01:02, 68:03:01:05, 68:03:01:14, and 68:03:01:15.

History-Notice: 39 SDR 19, July 30, 2012
 Hearing: August 16, 2012
 Filed: September 19, 2012
 Effective: October 9, 2012

Executive Orders:

The Governor has signed **Executive Order 2012-09** dated August 8, 2012. This order creates the Council of Economic Advisors. The Council will review, critique, and advise the Bureau of Finance and Management regarding the State's economic conditions. The Council is attached to the Bureau for support and expenses, consists of ten members appointed by the

Governor and will meet at least four times annually. A copy of the Executive Order is available on the Secretary of State's website.

The Governor has signed **Executive Order 2012-10** dated August 20, 2012. This order provides for an exception to certain height and weight restrictions to facilitate the hauling of baled livestock feed if other safety requirements are met. A copy of the Executive Order is available on the Secretary of State's website.

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

<p>9-28-2012</p>	<p>Revenue: Lottery Commission</p>	<p>Amend Instant Lottery Requirements rules to update definitions to standard industry terminology, allow for flexibility regarding identification features of bar codes and more clearly define a chain retailer, eliminate a subsection that is no longer needed, have the Commission conduct hearings on suspensions or cancellations of a retailer's contract, eliminate the requirement of an instant retailer to appear before the Executive Director for the purpose of rendering a final accounting and surrendering its lottery contract and lottery equipment, no longer require seasonal retailers to display promotional materials, change the words book to pack and spots to areas, describe the unplayable portion of an instant ticket, describe the requirements to be a valid instant ticket, define the options available to the Executive Director for replacing an invalid or defective ticket, describe drawing procedures if an instant game includes a</p>
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		<p>drawing feature for prizes, and allow for the acceleration of prize payment under a certain circumstance; amend a Video Lottery Requirements rule to identify the bill denominations that may be accepted by a bill acceptor on a video lottery terminal; and amend On-Line Lottery Requirements rules to describe a terminal that is operated by a person and located at a retailer and to define an on-line game, describe the duties of an on-line retailer, identify the commission paid to an on-line retailer for each on-line ticket sold by that on-line retailer, describe the process to claim prizes for the largest prize category of an on-line game, outline the requirements for conducting the drawing of an on-line game, identify reasons for which the Executive Director may postpone or void a drawing and authorize a redrawing for an on-line game, authorize the Lottery to broadcast on-line game drawings on television, repeal the on-line Tri-West Lotto game, repeal the on-line Daily Millions Game, adopt changes to the Wild Card Game, repeal the on-line Cash 4 Life Game, repeal the on-line Rolldown Game, describe how play purchases must occur for an on-line raffle game, and describe the order in which winning numbers will be drawn in raffle games; 39 SDR 45.</p>
<p>10-4-2012</p>	<p>Game, Fish and Parks</p>	<p>Amend Mountain Lion Hunting Season rules to increase the total mountain lion harvest limit from 70 to 100 mountain lions and increase the female harvest limit from 50 to 70 female mountain lions; change the season start date from January 1 to December 26; allow any properly licensed hunter (both landowners and non-landowners) to hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31; close Custer State Park to mountain lion hunting except during established hunting intervals for 162 hunters who possess a valid mountain lion hunting license and a temporary access permit issued free of cost and by random drawing, and structured to include five hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three intervals (7 days in length) with each having</p>

		four access permits (dog hunting allowed); and allow for the use of dogs during specified intervals in Custer State Park; and amend Black Hills Bighorn Sheep Hunting Season rules to establish a process for designating and issuing one bighorn sheep hunting license for auction; 39 SDR 31.
10-16-2012	Social Services: Division of Economic Assistance	Amend rules to update payment standards regarding the Temporary Assistance for Needy Families program; 39 SDR 55.
10-18-2012	Labor and Regulation: Division of Labor and Management	Amend rules to revise the workers compensation fee schedule; 39 SDR 55.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, November 13, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: December 19.

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>.