

REGISTER



South Dakota Legislative Research Council

Volume 32

Tuesday, 8:00 a.m., October 11, 2005

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

Department of Revenue and Regulation:

Appraiser Certification Program: (October 6, 2005) has filed rules to add definition for distance education; capitalize Appraisal Subcommittee; specify that completion of the Appraisal Foundation's 7-hour National Uniform Standards of Professional Appraisal Practice Update Course is required for continuing education; require appraisers to comply with administrative rule regarding competency; allow state-registered appraisers to have more than one supervisor; limit supervisors to only three trainees; require supervisors to be in good standing and not subject to disciplinary action by the department for the past two years; require state-registered appraisers to report name of supervisors; describe supervisors' responsibilities; national examination only valid for 24 months; no alternative to successful completion of the national examination; no longer extension given for sitting for the national examination; delete unnecessary upgrade language for state-registered appraiser; reduce experience requirement from 24 months to 12 months for state-licensed classification; delete no time limit for obtaining experience; adopt acceptable experience effective January 1, 2008; require separate appraisal assignment logs for each supervisor; describe experience that may be claimed; set time limit for obtaining experience; describe requirements for experience verification; adopt education requirements effective January 1, 2008, for the registered, licensed and certified classifications; repeal credit allowed for challenge examination; prohibit substitution of education by experience; correct date in reference to the applicable

edition of the uniform standards; change precertification to qualifying education; clarify education deferral timeframe; add additional description for acceptable continuing education courses; revise the continuing education course topics; allow field trips for continuing education hours; clarify requirements for qualifying education credit; allow continuing education credit for activities other than as a student; revise sources of education; remove individual types of courses and replace with general term for all courses that are acceptable without state review; establish requirements for acceptable distance education courses; and remove individual types of courses and replace with general term for all courses for approval. The general authority for these rules, as cited by the department, is SDCL 36-21B-3.

A public hearing will be held in the Department of Revenue and Regulation First Floor Conference Room, Anderson Building, Pierre, South Dakota, on November 18, 2005, at 2:00 p.m. A copy of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Appraiser Certification Program, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the department by November 17, 2005, to be considered at the public hearing. The department will keep the comment period open until November 28, 2005, for written comments. 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) 773-4608 at least 48 hours before the hearing.

Department of Agriculture: (October 7, 2005) has filed a rule that will change the dates of the

South Dakota State Fair. The general authority for this rule, as cited by the department, is SDCL 1-21-10.

A public hearing will be held in the Women's Building, State Fair Grounds, Huron, South Dakota, on November 1, 2005, at 10:30 a.m. Copies of the proposed rule may be obtained from and written comments sent to South Dakota Department of Agriculture, Office of the Secretary, Joe Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by November 11, 2005, 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) 773-5425 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:

On October 6, 2005, the **DEPARTMENT OF SOCIAL SERVICES** filed revisions for the South Dakota Food Stamp Certification and Accountability Manual. The latest updates relate to an increase in income guidelines, the thrifty food plan, the standard deduction, the maximum shelter deduction, and the resource limit for disabled individuals.

DEPARTMENT OF REVENUE AND REGULATION: 64:02:01:13; 64:02:03:14, 64:02:03:16; 64:03:01:02.01; 64:04:01:20, 64:04:01:22, 64:04:01:29, 64:04:01:30.01, 64:04:01:31, 64:04:01:31.01; 64:06:03:00, 64:06:03:15, 64:06:03:17, 64:06:03:19, 64:06:03:48, 64:06:03:56; 64:28:03:04, 64:28:03:04.03, 64:28:03:04.04; 64:75:02:02, 64:75:02:03; 64:75:04:09; and 64:75:08:11.

History-Notice: 32 SDR 27, August 8, 2005
 Hearing: August 26, 2005
 Filed: October 5, 2005
 Effective: October 25, 2005

Executive Appointments:

Terry Dosch, Pierre, was appointed on September 7, 2005, to the **South Dakota Board of Counselor Examiners**, effective immediately and shall continue until June 30, 2008.

Pam Kettering, Yankton, was appointed on September 7, 2005, to the **South Dakota Board of Counselor Examiners**, effective immediately and shall continue until June 30, 2008.

John E. Peterson, Aberdeen, was reappointed on September 29, 2005, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until June 30, 2008.

Marty Ann Apa, Lead, was reappointed on October 4, 2005, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, effective immediately and shall continue until June 30, 2008.

Michael Bartley, Brookings, was reappointed on October 4, 2005, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, effective immediately and shall continue until June 30, 2008.

Mary S. Carpenter, Winner, was reappointed on October 4, 2005, to the **Drug and Alcohol Abuse Advisory Council**, effective immediately and shall continue until June 30, 2007.

DeWayne Glassgow, New Underwood, was reappointed on October 4, 2005, to the **Drug and Alcohol Abuse Advisory Council**, effective immediately and shall continue until June 30, 2007.

Karen Jefferies, Eagle Butte, was appointed on October 4, 2005, to the **Council of Juvenile Services**, to replace Cheryl Three Stars Valandra, effective immediately and shall continue until June 30, 2007.

Kira LeCompte, Aberdeen, was appointed on October 4, 2005, to the **Drug and Alcohol Abuse Advisory Council**, to replace Marla Bull Bear effective immediately and shall continue until June 30, 2007.

Duane Mackey, Vermillion, was reappointed on October 4, 2005, to the **Drug and Alcohol Abuse Advisory Council**, effective immediately and shall continue until June 30, 2007.

Dave Nelson, Sioux Falls, was reappointed on October 4, 2005, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2008.

Ella Rae Stone, Lake Andes, was appointed on October 4, 2005, to the **Council of Juvenile Services**, to replace Richard Bird effective immediately and shall continue until June 30, 2007.

Gilbert Sudbeck, Pierre, was reappointed on October 4, 2005, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2008.

Carol Twedt, Sioux Falls, was reappointed on October 4, 2005, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2008.

Robert Bogue, Canton, was reappointed on October 5, 2005, to the **South Dakota Certification Board for Alcohol and Drug Professionals**, effective immediately and shall continue until June 30, 2008.

Matt Bratt, Sioux Falls, was reappointed on October 5, 2005, to the **South Dakota Certification Board for Alcohol and Drug Professionals**, effective immediately and shall continue until June 30, 2008.

Dennis Darrington, Waubay, was reappointed on October 5, 2005, to the **South Dakota Certification Board for Alcohol and Drug Professionals**, effective immediately and shall continue until June 30, 2008.

David R. Johnson, Sioux Falls, was reappointed on October 6, 2005, to the **South Dakota Board of Counselor Examiners**, effective immediately and shall continue until June 30, 2008.

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

11-1-2005	Labor: Public Utilities Commission	Amend rules to set forth the requirements for filing an application for a permit to construct wind energy facilities and amend some requirements applying to the siting of energy conversion and transmission facilities; 32 SDR 55.
11-1-2005	Agriculture	Amend a rule to change the dates of the South Dakota State Fair; 32 SDR 57.
11-18-2005	Revenue and Regulation: Appraisers	Amend rules to add definition for distance education; capitalize Appraisal Subcommittee; specify that completion of the Appraisal Foundation's 7-hour National Uniform Standards of Professional Appraisal Practice Update Course is required for continuing

	<p>education; require appraisers to comply with administrative rule regarding competency; allow state-registered appraisers to have more than one supervisor; limit supervisors to only three trainees; require supervisors to be in good standing and not subject to disciplinary action by the department for the past two years; require state-registered appraisers to report name of supervisors; describe supervisors' responsibilities; national examination only valid for 24 months; no alternative to successful completion of the national examination; no longer extension given for sitting for the national examination; delete unnecessary upgrade language for state-registered appraiser; reduce experience requirement from 24 months to 12 months for state-licensed classification; delete no time limit for obtaining experience; adopt acceptable experience effective January 1, 2008; require separate appraisal assignment logs for each supervisor; describe experience that may be claimed; set time limit for obtaining experience; describe requirements for experience verification; adopt education requirements effective January 1, 2008, for the registered, licensed and certified classifications; repeal credit allowed for challenge examination; prohibit substitution of education by experience; correct date in reference to the applicable edition of the uniform standards; change precertification to qualifying education; clarify education deferral timeframe; add additional description for acceptable continuing education courses; revise the continuing education course topics; allow field trips for continuing education hours; clarify requirements for qualifying education credit; allow continuing education credit for activities other than as a student; revise sources of education; remove individual types of courses and replace with general term for all courses that are acceptable without state review; establish requirements for acceptable distance education courses; and remove individual types of courses and replace with general term for all courses for approval; 32 SDR 57.</p>
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Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, October 18, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: December 6, and January 9, 2006.

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

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