

REGISTER



South Dakota Legislative Research Council

Volume 28

Monday, 8:00 a.m., December 3, 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: Appraiser Certification Program: (November 29, 2001) is proposing rules to simplify, provide consistency, and clarify the scope of practice for appraisers; to emphasize that all appraisers are bound by the competency rule in the uniform standards; clarify that supervisors of state-registered appraisers must be licensed or certified by the department; update references to the Uniform Standards of Professional Appraisal Practice; and correct typographical errors. The general authority for these rules, as cited by the department, is SDCL 36-21B-3 and 36-21B-4.

A public hearing will be held in the First Floor Conference Room, Commerce and Regulation Building, 118 West Capitol Avenue, Pierre, South Dakota, on Friday, December 28, 2001, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Commerce and Regulation, Appraiser Certification Program, 118 West Capitol, Pierre, South Dakota 57501. Written comments must be received by December 28, 2001, 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) 773-4608 before the hearing.

NOTICE: The rules hearing scheduled by the **South Dakota Department of Labor** for Monday, December 10, 2001, has been rescheduled and will be held on Friday, December 21, 2001, at 9:00 a.m., in Conference

Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

OFFICE OF ATTORNEY GENERAL:

2:04:01:01, 2:04:02:02, 2:04:02:03, 2:04:02:04, 2:04:02:05, 2:04:03:01, and 2:04:04:01.

History-Notice: 28 SDR 27, August 20, 2001
Hearing: September 13, 2001
Filed: November 26, 2001
Effective: December 16, 2001

DEPARTMENT OF HEALTH: 44:04:01:01, 44:04:01:07, 44:04:01:07.01; 44:04:02:08, 44:04:02:09, 44:04:02:11, 44:04:02:17; 44:04:04:06.01, 44:04:04:07.02, 44:04:04:08, 44:04:04:08.01, 44:04:04:11, 44:04:04:11.01, 44:04:04:11.02, 44:04:04:12.01; 44:04:05:01.01; 44:04:06:05, 44:04:06:11.01, 44:04:06:13; 44:04:07:02, 44:04:07:02.06, 44:04:07:07; 44:04:08:02, 44:04:08:03.01, 44:04:08:04, 44:04:08:04.01, 44:04:08:05, 44:04:08:08; 44:04:09:08; 44:04:13:03.02, 44:04:13:34, 44:04:13:36; 44:04:17:03, 44:04:17:09, 44:04:17:13; 44:04:19:01; and 44:04:20:01 to 44:04:20:26, inclusive.

History-Notice: 28 SDR 53, Oct. 9, 2001
Hearing: October 30, 2001
Filed: November 26, 2001
Effective: December 16, 2001

DEPARTMENT OF COMMERCE AND REGULATION: STATE ELECTRICAL COMMISSION: 20:44:14:01.

History-Notice: 28 SDR 61, Oct. 22, 2001
 Hearing: November 13, 2001
 Filed: November 29, 2001
 Effective: December 19, 2001

DEPARTMENT OF HUMAN SERVICES:

46:31:01:01, 46:31:01:03, 46:31:01:03.01,
 46:31:01:03.02, 46:31:01:03.03,
 46:31:01:03.04, 46:31:01:03.05, 46:31:01:05,
 46:31:01:05.01, and 46:31:01:05.02.

History-Notice: 28 SDR 43, Sept. 17, 2001
 Hearing: October 2, 2001
 Filed: November 30, 2001
 Effective: December 20, 2001

DEPARTMENT OF GAME, FISH AND

PARKS: 41:03:06:01 to 41:03:06:05, inclusive;
 41:07:01:03; 41:07:01:05, 41:07:01:14,
 41:07:01:16; 41:07:03:01, 41:07:03:03; and
 41:07:06:03.01.

History-Notice: 28 SDR 57, Oct. 15, 2001
 Hearing: November 1 & 2, 2001
 Filed: November 30, 2001
 Effective: December 20, 2001

**DEPARTMENT OF COMMERCE AND
 REGULATION: COMMISSION ON
 GAMING: 20:18:17:09.**

History-Notice: 28 SDR 35, Sept. 4, 2001
 Hearing: September 20, 2001
 Filed: November 30, 2001
 Effective: December 20, 2001

DEPARTMENT OF SOCIAL SERVICES:

67:10:01:16 and 67:10:01:16.01.

History-Notice: 28 SDR 35, Sept. 4, 2001
 Hearing: September 25, 2001
 Filed: November 30, 2001
 Effective: December 20, 2001

DEPARTMENT OF SOCIAL SERVICES:

67:13:01:02.

History-Notice: 28 SDR 36, Sept. 4, 2001
 Hearing: September 25, 2001
 Filed: November 30, 2001
 Effective: December 20, 2001

DEPARTMENT OF SOCIAL SERVICES:

67:16:01:22; and 67:16:46:01 to 67:16:46:10,
 inclusive.

History-Notice: 28 SDR 43, Sept. 17, 2001
 Hearing: October 5, 2001
 Filed: November 30, 2001
 Effective: December 20, 2001

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

12-4-2001	Administration	Increase fees for publication of legal notices; 28 SDR 71.
12-4-2001	Commerce and Regulation: Board of Accountancy	Update references; revise continuing ed rules, repeal obsolete rules; change exam certificate and document fees; requirements for out-of-state candidates; clarify disciplinary procedures and conditional status; clarify certificate renewal procedures; update

		procedures on firm permits; board mailing list provisions; change fee for discipline petitions; 28 SDR 72.
12-5-2001	Retirement System	Comply with federal and state laws, improve portability of retirement funds, allow accumulation of retirement funds, eliminate restrictions on accumulation of retirement funds, identify trust requirement for certain retirement funds; 28 SDR 75.
12-6-2001	Transportation	Speed zones in Yankton and Viborg, prohibit parking on road across Ft. Randall Dam; 28 SDR 53 and 65.
12-6-2001	Game, Fish and Parks	Pets in state parks, park entrance license required in more areas along Missouri River; remove Peoria Flats from fee area; repeal license exemption at Farm Island; increase temporary entrance fees in Custer State Park; increase camping fees in Custer State Park and other areas within the state park system; change campground names; modify designation, additions, and classifications of certain campgrounds; campers who register at first come, first served sites to occupy immediately; modify, add, and delete water safety zones in certain counties; 28 SDR 75.
12-7-2001	Commerce and Regulation: Cement Plant Commission	Terminate old retirement plans and reestablish new plans; 28 SDR 76.
12-21-2001	Labor: Division of Labor and Management	Reimbursement for workers' compensation in-patient and out-patient charges at percentage of Medicare; reimbursement for dental procedures; payors provide explanation of fee schedule reductions; redefine physical medicine; eliminate in-patient treatment guidelines; 28 SDR 79.
12-28-2001	Commerce and Regulation: Appraiser Certification Program	Appraisers scope of practice, appraisers bound by competency rule, supervisors of state-registered appraisers must be licensed by department; update references, correct typos; 28 SDR 83.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Monday, January 7, 2002, at 1:30 p.m. in Room 413 of the State Capitol.

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 and on the LRC web site.