

REGISTER

South Dakota Legislative Research Council



Volume 34

Monday, 8:00 a.m., December 24, 2007

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

Department of Labor: Division of Labor and Management: (December 10, 2007) is proposing to amend Appendix B to the Workers' Compensation Fee Schedule. The general authority for this rule, as cited by the department, is SDCL 62-7-8.

A public hearing will be held in the Kneip Building, Conference Room #1, 700 Governors Drive, Pierre, South Dakota, on January 11, 2008, at 10:00 a.m., CST. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Department of Labor, Division of Labor and Management, Kneip Building, 700 Governors Drive, Pierre, South Dakota 57501. Material sent by mail must be received by January 21, 2008, 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 Game, Fish and Parks: (December 21, 2007) intends to amend Hunter Safety Course rules to increase the amount allowed for reimbursement of expenses incurred by hunter safety course instructors from one dollar per student to three dollars per student and clarify that the amount so allowed is considered as being reimbursement of expenses rather than compensation for services; and amend Special Permits and Licenses to create a new chapter entitled Permit to Kill Non-game Birds and include a new administrative rule authorizing the department secretary to issue a

special permit which would allow a designated permittee to kill non-game birds which are a threat to the public health, safety and welfare, or are doing damage to property. The general authority for these rules, as cited by the department, is SDCL 41-2-18 and 41-7-2.

A public hearing will be held at the Holiday Inn Express, 110 E. Stanley Road (Hwy. 83 & Stanley Road), Ft. Pierre, South Dakota, on January 10, 2008, at 2:00 p.m. (CST). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 Noon three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by E-mail to chuck.schlueter@state.sd.us. All written and E-mail comments must include the commenter's name and address. 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) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Thomas Stanage, Yankton, was appointed on December 11, 2007, to the **Governor's Interagency Council on Homelessness**, effective immediately.

Tom Conger, Buffalo Gap, was reappointed on December 19, 2007, to the **State Brand Board**, effective January 8, 2008, and shall continue until January 3, 2011.

Tom Graham, Sioux Falls, was reappointed on December 19, 2007, to the **South Dakota Building Authority**, effective January 21, 2008, and shall continue until January 16, 2012.

Tom Leckey, Pierre, was reappointed on December 19, 2007, to the **South Dakota Lottery Commission**, effective January 1, 2008, and shall continue until January 1, 2011.

D. J. Mertens, Kennebec, was reappointed on December 19, 2007, to the **South Dakota Building Authority**, effective January 21, 2008, and shall continue until January 16, 2012.

Theodore J. Pins, Jr., Wentworth, was reappointed on December 19, 2007, to the **Board of Pardons and Paroles**, effective January 20, 2008, and shall continue until January 16, 2012.

Douglas J. Sharp, Watertown, was reappointed on December 19, 2007, to the **South Dakota Lottery Commission**, effective January 1, 2008, and shall continue until January 1, 2011.

Susan Shay Brugger, Brookings, was reappointed on December 19, 2007, to the **South Dakota Lottery Commission**, effective January 1, 2008, and shall continue until January 1, 2011.

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

12-27-2007	Agriculture: State Fair	Amend rules to update the admission fees for the South Dakota State Fair, to maximize profitability and to take into account the recent change in State Fair length from a 7-day fair to a 5-day fair, as well as to update and clarify additional rules governing State Fair operations; 34 SDR 179.
1-10-2008	Game, Fish and Parks	Amend a List of Endangered Birds rule to change Peregrine falcon (<i>Falco peregrinus anatum</i>) to Peregrine falcon (<i>Falco peregrinus</i>) and Interior least tern (<i>Sterna albifrons athalassos</i>) to Interior least tern (<i>Sterna antillarum athalassos</i>); amend a List of Threatened Birds rule to change American dipper (<i>Cinclus mexicanus</i>) to American dipper (<i>Cinclus mexicanus</i>) and Bald eagle (southern) (<i>Haliaeetus leucocephalus</i>) to Bald eagle (<i>Haliaeetus leucocephalus</i>); amend a List of Threatened Mammals rule to change Northern swift fox (<i>Vulpes velox hebes</i>) to Swift fox

		(<i>Vulpes velox</i>), River otter (<i>Lutra Canadensis interior</i>) to River otter (<i>Lontra Canadensis</i>), and delist Black Bear (<i>Ursus americanus</i>); amend a List of Endangered Fish rule to change Finscale dace (<i>Phoxinix neogaeus</i>) to Finescale dace (<i>Phoxinus neogaeus</i>); amend a List of Endangered Reptiles rule to change The lined snake (<i>Tropidoclonion lineatum</i>) to Lined snake (<i>Tropidoclonion lineatum</i>); and amend a List of Threatened Reptiles rule to change Eastern hognose snake (<i>Heterodon platyrhinos</i>) to Eastern hognose snake (<i>Heterodon platirrhinos</i>); 34 SDR 142.
1-10-2008	Game, Fish and Parks	Amend Hunter Safety Course rules to increase the amount allowed for reimbursement of expenses incurred by hunter safety course instructors from one dollar per student to three dollars per student and clarify that the amount so allowed is considered as being reimbursement of expenses rather than compensation for services; and amend Special Permits and Licenses to create a new chapter entitled Permit to Kill Non-game Birds and include a new administrative rule authorizing the department secretary to issue a special permit which would allow a designated permittee to kill non-game birds which are a threat to the public health, safety and welfare, or are doing damage to property; 34 SDR 189.
1-11-2008	Labor: Division of Labor and Management	Amend Appendix B to the Workers' Compensation Fee Schedule; 34 SDR 189.

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held Monday, January 7, 2008, in Room 413 of the State Capitol.

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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