

REGISTER

South Dakota Legislative Research Council



Volume 36

Monday, 8:00 a.m., August 3, 2009

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

Public Utilities Commission: (July 27, 2009) intends to adopt rules regarding pipeline safety. The general authority for these rules, as cited by the commission, is SDCL 49-34B-3, 49-34B-4, 49-34B-19, 49-34B-27.

A public hearing will be held in Room 414, 4th Floor, State Capitol, 500 East Capitol, Pierre, South Dakota, on August 18, 2009, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, SD 57501-5070. Copies are also available at the commission's home page at <http://puc.sd.gov/dockets/rulemaking/2009/rm09-001.aspx>. Material sent by mail must be received by the Public Utilities Commission by August 28, 2009, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3201 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: BOARD OF PHARMACY: 20:51:01:01 to 20:51:01:04, inclusive, 20:51:01:06, 20:51:01:06.01, 20:51:01:09 to 20:51:01:12, inclusive; 20:51:02:01, 20:51:02:04, 20:51:02:04.01, 20:51:02:04.02, 20:51:02:05, 20:51:02:07, 20:51:02:11.01, 20:50:02:12.01; 20:51:04:01 to 20:51:04:05, inclusive, 20:51:04:09;

20:51:29:19.01 and 20:51:29:19.02.

History-Notice: 35 SDR 311, June 22, 2009
Hearing: July 7, 2009
Filed: July 28, 2009
Effective: August 17, 2009

DEPARTMENT OF LABOR: SOUTH DAKOTA RETIREMENT SYSTEM:

62:01:02:05, 62:01:02:08; 62:01:03:02.01; 62:01:04:05.01; 62:01:05:01, 62:01:05:05, 62:01:05:08, 62:01:05:09, 62:01:05:12; 62:01:07:12; and 62:03:02:09.

History-Notice: 35 SDR 269, May 11, 2009
Hearing: June 4, 2009
Filed: July 28, 2009
Effective: August 17, 2009

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:

24:05:27:08.02; 24:15:06:41; 24:15:07:01 to 24:15:07:03, inclusive; and 24:17:01:06.

History-Notice: 35 SDR 311, June 22, 2009
Hearing: July 16, 2009
Filed: July 29, 2009
Effective: August 18, 2009

DEPARTMENT OF GAME, FISH AND PARKS:

41:06:02:01.03, 41:06:02:03; 41:06:14:02, 41:06:14:02.01, 41:06:14:05; 41:06:19:02, 41:06:19:04; 41:06:20:01, 41:06:20:01.01, and 41:06:20:02.

History-Notice: 35 SDR 277, May 18, 2009
Hearing: June 4, 2009
Filed: July 29, 2009
Effective: August 18, 2009

DEPARTMENT OF REVENUE AND REGULATION: COMMISSION ON GAMING:

20:04:27:13; 20:18:16:15.02, 20:18:16:15.14, 20:18:16:15.15; 20:18:17:01, 20:18:17:02, 20:18:17:05, 20:18:17:09.01, 20:18:17:17, 20:18:17:18, 20:18:17:18.01, 20:18:17:18.02, 20:18:17:24.01, 20:18:17:38 to 20:18:17:41.17, inclusive; 20:18:18:15, and 20:18:18:26.

History-Notice: 35 SDR 269, May 11, 2009

Hearing: June 3, 2009

Filed: July 29, 2009

Effective: August 18, 2009

DEPARTMENT OF SOCIAL SERVICES:

ECONOMIC ASSISTANCE: 67:10:05:03 and 67:10:05:05.

History-Notice: 35 SDR 291, June 1, 2009

Hearing: N/A

Filed: July 29, 2009

Effective: July 29, 2009

Executive Appointments:

Jolon Beck, Madison, was appointed on July 27, 2009, to the **Planning Council on Developmental Disabilities**, to replace Erik Brubakken, effective July 22, 2009, and shall continue until June 30, 2012.

Tom Bohnet, Yankton, was appointed on July 27, 2009, to the **South Dakota Workforce Development Council**, to replace George Cook, effective July 23, 2009, and shall continue until June 30, 2012.

Roger Campbell, Pierre, was appointed on July 27, 2009, to the **South Dakota Board on Geographic Names**, effective July 22, 2009.

June Hansen, Pierre, was appointed on July 27, 2009, to the **South Dakota Board on Geographic Names**, effective July 22, 2009.

Rick Jorgensen, Pierre, was appointed on July 27, 2009, to the **South Dakota Board on**

Geographic Names, effective July 22, 2009.

Dave Mertens, Kennebec, was reappointed on July 27, 2009, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2012.

Wallace G. Myers, Sioux Falls, was reappointed on July 27, 2009, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2012.

Joe Nadenicek, Pierre, was appointed on July 27, 2009, to the **South Dakota Board on Geographic Names**, effective July 22, 2009.

Richard B. Ostrander, Sioux Falls, was reappointed on July 27, 2009, to the **Board of Examiners for Counselors and Marriage and Family Therapists**, effective immediately and shall continue until June 30, 2012.

Jody Sawvell, Wall, was reappointed on July 27, 2009, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2012.

Sherwood Schrenk, Aberdeen, was reappointed on July 27, 2009, to the **Board of Examiners for Counselors and Marriage and Family Therapists**, effective immediately and shall continue until June 30, 2012.

Clayton Tucholke, Labolt, was appointed on July 27, 2009, to the **South Dakota 911 Coordination Board**, to replace Bill Floyd, effective July 22, 2009, and shall continue until June 30, 2012.

Tracy Turbak, Watertown, was reappointed on July 27, 2009, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2012.

Jay Vogt, Pierre, was appointed on July 27, 2009, to the **South Dakota Board on Geographic Names**, effective July 22, 2009.

Jack Warner, Pierre, was appointed on July 27, 2009, to the **South Dakota Workforce Development Council**, to replace Dr. Tad Perry, effective July 23, 2009.

Helen Wegner, Pierre, was reappointed on July 27, 2009, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2012.

Ann Fortin, Aberdeen, was appointed on July 29, 2009, to the **Independent Living Council**, to replace Jamie Mack, effective July 28, 2009, and shall continue until June 30, 2012.

Jack Warner, Pierre, was appointed on July 29, 2009, to the **Education Commission of the States**, to replace Dr. Tad Perry, effective

July 28, 2009.

Jack Warner, Pierre, was appointed on July 29, 2009, to the **Western Interstate Commission for Higher Education**, to replace Dr. Tad Perry, effective July 28, 2009, and shall continue until June 30, 2010.

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

8-6-2009	Game, Fish and Parks	Amend a Uses of Parks and Public Land rule to permit hunting only with shotguns using shot shells and bow and arrow on the Lake Andes Units Game Production Areas in Charles Mix County; amend a Park Licenses rule to establish the procedure by which a qualifying disabled veteran may obtain a free lifetime park license; amend Waterfowl Hunting Seasons (Duck Hunting Season) rules to establish season dates, which would include establishing a split season for the High Plains Unit in order to extend the season for an additional week, and establish daily bag and possession limits for duck, coot, and merganser, which would include increasing the daily bag limit for Wood Duck from 2 to 3 depending on the current adjustment consideration at the Flyway level by the U.S. Fish and Wildlife Service; amend Elk Depredation Permit rules to establish requirements and restrictions; allow elk depredation hunts to be conducted in areas not designated as an elk unit; allow elk depredation hunts to be conducted before a regular season is opened; base hunter selection for elk depredation hunts on unsuccessful
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		<p>hunters for that unit from the first drawing, then unsuccessful hunters for that unit from the second drawing, then unsuccessful applicants for that unit, then unsuccessful applicants for elk units closest to the depredation hunt area; base hunter selection for pre-season depredation hunts on successful applicants for that unit, then unsuccessful applicants for that unit, then unsuccessful applicants for elk hunting units closest to the depredation hunt area; collect fees only from elk depredation hunters who did not pay for a license during the current season; unsuccessful applicants selected for a depredation hunt who elect to participate would not lose their preference points; and amend Private Shooting Preserve rules to increase the daily bag limit for pheasants on shooting preserves from 15 to 20; establish both a single-season and 3-year season private shooting preserve permit and provide for the manner in which acreage adjustments are handled for 3-year permits; and provide that all pen-reared and wild birds harvested on a shooting preserve be tagged with tags that distinguish whether the harvested bird is pen-raised or wild, increase the fee for kill tags for pen-reared birds harvested on a shooting preserve from five to fifteen cents each, and establish a new fee for kill tags issued for wild birds harvested on a shooting preserve at fifty cents each; 36 SDR 7.</p>
8-11-2009	Personnel	<p>Amend rules to insure that any applicant or employee with a position in the Department of Agriculture, Wildland Fire Suppression Division, whose duties include firefighting, be drug free; 36 SDR 7.</p>
8-11-2009	Social Services: Adult Services and Aging	<p>Amend Crime Victims' Compensation Program rules to revise definitions; specify requirements and limitations of covered services; update reference to overall payment limit of the program; remove specific dollar amount limits for covered expenses; remove unnecessary examples and duplicate language; update notice procedures to reflect current practice; allow the department and commission joint authority for claims reconsiderations; and allow loss of support compensation for victims</p>

		in certain situations; 36 SDR 13.
8-13-2009	Health: Board of Examiners in Optometry	Amend Appendix A to add codes to the Procedural Code List; 36 SDR 7.
8-14-2009	Health: Administration	Amend a rule to define the disinterment process; 36 SDR 7.
8-18-2009	Public Utilities Commission	Adopt rules regarding pipeline safety; 36 SDR 21.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 1, 2009, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: October 6, November 18, and December 15.

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>.

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