

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., April 26, 2010

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: South Dakota Lottery Commission: (April 19, 2010) intends to amend rules to authorize the Lottery upon initial application to license retailers to sell both on-line and instant tickets by taking advantage of technology that is now available to the Lottery with the new online gaming system and related products and service contract, to set the fees for on-line and instant license applications and annual license renewal, to set communications fees retailers licensed after July 1, 2010 will be required to pay, and to set sales benchmarks for retailers to meet to obtain a credit for the communications fees. The general authority for these rules, as cited by the commission, is SDCL 42-7A-4, 42-7A-11, 42-7A-19.1, 42-7A-21, and 42-7A-49.

A public hearing will be held in Room 413, 4th floor, State Capitol, Pierre, South Dakota, on May 21, 2010, at 9:45 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue & Regulation, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Copies of the rules are also available at the department's website: http://www.state.sd.us/drr2/lottery_rules_public_hearing0521.pdf. Written comments must be received by May 20, 2010, 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) 773-4701 at least forty-eight hours before the hearing

Department of Education: Board of Education: (April 21, 2010) intends to amend rules to require all public school districts operating preschool programs to submit student enrollment data for their preschool students effective with the 2010-2011 school year and to provide for timelines and definitions. The general authority for these rules, as cited by the board, is SDCL 13-13-37.4.

A public hearing will be held in Conference Room #3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on May 17, 2010, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291 or from the Internet at <http://doe.sd.gov/secretary/board/schedule/asp>. Written comments may be sent to the board at the address above and must be received by May 11, 2010, 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) 773-5669 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:10:42:28; 24:15:01:01; 24:15:02:01, 24:15:02:03, 24:15:02:05 to 24:15:02:08, inclusive; 24:15:03:01, 24:15:03:02, 24:15:03:03, 24:15:03:03.01, 24:15:03:05 to 24:15:03:09, inclusive, 24:15:03:11, 24:15:03:12; 24:15:04:01 to 24:15:04:03, inclusive; 24:15:05:01; 24:15:06:01 to 24:15:06:40, inclusive, and

24:15:06:61 to 24:15:06:64, inclusive.

History-Notice: 36 SDR 137, March 8, 2010

Hearing: March 30, 2010

Filed: April 21, 2010

Effective: May 11, 2010

DEPARTMENT OF GAME, FISH AND

PARKS: 41:04:02:06, 41:04:02:14,
41:04:02:49; 41:05:02:68; 41:06:20:02;
41:06:21:02, 41:06:21:02.01; 41:09:06:17,
41:09:06:18, 41:09:06:20, 41:09:06:21,
41:09:06:22, 41:09:06:23, 41:09:06:25,
41:09:06:26, 41:09:06:27, 41:09:06:29,
41:09:06:31, and 41:09:06:32

History-Notice: 36 SDR 127, Feb. 16, 2010

Hearing: March 4, 2010

Filed: April 21, 2010

Effective: May 11, 2010

DEPARTMENT OF REVENUE AND

REGULATION: SOUTH DAKOTA
LOTTERY COMMISSION: 48:03:15:01 to
48:03:15:04, inclusive.

History-Notice: 36 SDR 133, March 1, 2010

Hearing: March 26, 2010

Filed: April 21, 2010

Effective: May 11, 2010

Executive Appointment:

Jean (Dawn) Morris, Pierre, was reappointed
on April 15, 2010, to the **Career Service**

Commission, effective immediately and shall
continue until April 22, 2014.

Executive Order:

The Governor has signed **Executive Order 2010-10** dated April 23, 2010. This executive order creates a workgroup to provide recommendations for the State Energy Program. Under the American Recovery and Renewal Act of 2009 the state and local governments are required to adopt building and energy codes that meet certain standards required by the Act. The workgroup has fifteen members to be appointed by several interested parties such as the Home Builders Association, the Municipal League, the County Commissioners Association and the Electrical and Plumbing Commissions, among others. The workgroup will meet three or four times this year and report its recommendations to the Governor before December 1, 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

5-4-2010	Revenue and Regulation: Division of Insurance	Amend a rule to allow for additional risk pool plan designs; 36 SDR 158.
5-6-2010	Game, Fish and Parks	Amend Licensing Agents rules to establish definitions for "licensing agent" and "license fees;" remove obsolete language from the existing rule; establish a department timeline for distribution of invoices to licensing agents for previous month's sales to license agents; establish a timeline for licensing agents' payment to department for fees collected;

		<p>create new rules establishing the guidelines for disconnection and interest charges for licensing agents past due on payments owed to the department for license sales, establishing the requirements of use of Emergency Authorization licenses, and establishing the value for lost or stolen Emergency Authorization licenses; and update language of rule for filling out license applications in order to incorporate the needs of the automated licensing system; amend a Uses of Parks and Public Lands rule to define "camper units" and subject "camper units" along with "persons and groups" to the 15-day limit imposed on the length of a camping stay in a state park, state recreation area or state lakeside use area; amend a License Forms and Fees rule to include subscription holders as a list type for the purpose of list requests, and establish provisions that governmental entities may obtain lists free of charge, and that political parties and elected officials are required to pay full-fee charges to obtain license and subscription holder lists; amend an Archery Restrictions rule to allow archery hunters to use and possess mechanical broadheads with a cutting diameter no greater than 2 inches; amend Waterfowl Hunting Seasons rules to establish an August Management Take to allow for the taking of resident Canada geese as authorized by the U.S. Fish and Wildlife Service and to establish a resident only license, season dates, open areas (Brookings, Clark, Codington, Day, Deuel, Grant, Hamlin, Kingsbury, Lake McCook, Marshall, Minnehaha, Moody and Roberts counties), daily bag and possession limits, and requirements and restrictions, including establishing shooting hours and requiring a state migratory bird certification (federal waterfowl stamp would not be required); and amend a Dog Training rule to transfer authority to issue special permits to individuals who use horses to train dogs on publicly owned land from the department to the government agency that holds land management authority over the publicly owned land; 36 SDR 161.</p>
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5-11-2010	Social Services: Economic Assistance	Amend rules to expand the list of sources available for determining Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) eligibility; clarify eligibility and payment requirements related to the Auxiliary Placement Program; and update medical eligibility requirements to comply with federal provisions; 36 SDR 162.
5-11-2010	Social Services: Economic Assistance	Repeal obsolete rules within the Division of Economic Assistance relating to assistance payments; 36 SDR 163.
5-12-2010	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend a rule to provide for the issuance of a certificate to a canine team upon completion of certification standards and repeal a rule to clarify the Commission's decision on only accepting authorized individuals into training programs; 36 SDR 157.
5-12-2010	Secretary of State: Board of Elections	Amend rules to provide notice to felons being removed from the voter registration list, provide additional information on the municipal election cancellation notice, provide notice regarding felon disqualification, clarify ballot wording, update water development petition language, provide a form for precinct committeemen and women, require additional information on the absentee ballot log, add language to absentee voting materials to accommodate overseas voters requesting voting materials electronically and provide an uncounted absentee ballot envelope; 36 SDR 161.
5-13-2010	Revenue and Regulation: Division of Banking	Amend the record keeping requirements for trust companies chartered and regulated by the Division of Banking; reduce the number of copies of paper application forms required to be submitted to the Division of Banking for review and to require an electronic version of all application materials submitted; provide a definition for the term private trust company; provide additional guidance to South Dakota trust companies with regard to trust administration duties that may be done in South Dakota to comply with new statutory requirements; repeal duplicative language dealing with the background investigation process for mortgage license applicants which is now detailed in South Dakota law; establish

		surety bond requirements for mortgage licensees that take into consideration the dollar amount of loans originated, brokered, or serviced by mortgage licensees in South Dakota; increase the records retention timeframe from three years to five years for mortgage licensees; and clarify that only loan information specific to the licensees' activities in South Dakota are required to be reported on the mortgage call report for South Dakota; 36 SDR 157.
5-17-2010	Education: Board of Education	Amend rules to require all public school districts operating preschool programs to submit student enrollment data for their preschool students effective with the 2010-2011 school year and to provide for timelines and definitions; 36 SDR 169.
5-21-2010	Human Services: Board of Social Work Examiners	Amend a rule to increase the exam fee for Social Worker Associate (Associate), Social Worker (Bachelor) and Certified Social Worker (Master) levels from \$200 to \$255 and for Certified Social Worker – Private Independent Practice (Clinical and Advanced Generalist) level from \$200 to \$285; 36 SDR 161.
5-21-2010	Revenue and Regulation: South Dakota Lottery Commission	Amend rules to authorize the Lottery upon initial application to license retailers to sell both on-line and instant tickets by taking advantage of technology that is now available to the Lottery with the new online gaming system and related products and service contract, to set the fees for on-line and instant license applications and annual license renewal, to set communications fees retailers licensed after July 1, 2010 will be required to pay, and to set sales benchmarks for retailers to meet to obtain a credit for the communications fees; 36 SDR 169.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 8, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: July 20, August 31, September 28, November 17, and December 20.

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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