

# REGISTER

*South Dakota Legislative Research Council*



*Volume 28*

*Monday, 8:00 a.m., July 30, 2001*

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**A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE**

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

***South Dakota Investment Council:*** (July 23, 2001) intends to adopt rules to establish program requirements to guide the Investment Council in implementing the Higher Education Savings Plan. The general authority for this rule, as cited by the council, is SDCL 13-63-2.

A public hearing will be held in the Fontenelle Room, Sheraton Sioux Falls, Sioux Falls, South Dakota, on Wednesday, August 22, 2001, at 10:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Investment Council, 4009 West 49<sup>th</sup> Street, Suite 300, Sioux Falls, South Dakota 57106-3784. Written comments must be received by August 20, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the council can make arrangements are asked to call (605) 362-2820 at least forty-eight hours before the hearing.

***Public Utilities Commission: One-Call Notification Board:*** (July 25, 2001) is proposing rules to eliminate the requirement that the board meet annually in March to elect officers, allow the board to define the duties of the chair person and the secretary/treasurer, permit the board to hire or contract out its duties, functions, and powers to employees or contract with state agencies or private parties, and allow excavators to assign emergency tickets to other excavators. The general authority for these rules, as cited by the commission, is SDCL 49-7A-4.

A public hearing will be held at DDN-Aberdeen-NSU1, Northern State University, Beulah Williams Library, Room 117, 1200 South Jay Street, Aberdeen, South Dakota; DDN-Brookings-SDSU2, South Dakota State University, 101 Pugsley Center, Room 203, 8<sup>th</sup> & Medary Avenue, Brookings, South Dakota; DDN-Mitchell Technical Institute, Main Building, Room 131, 821 North Capital, Mitchell, South Dakota; DDN-Pierre-Studio A, State Capitol, Room B12, 500 East Capitol, Pierre, South Dakota; DDN-Rapid City-SDSM&T, SD School of Mines & Technology, Classroom Building, Room 109, 501 East Saint Joseph Street, Rapid City, South Dakota; and DDN-Sioux Falls-STI, Southeast Technical Institute, Mickelson Education Center, Room 205, 2301 Career Place, Sioux Falls, South Dakota; on August 27, 2001, at 11:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Public Utilities Commission, One-Call Notification Board, State Capitol Building, 500 East Capitol, Pierre, South Dakota 57501-5070. Written comments must be received prior to the hearing 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 forty-eight hours before the hearing.

## ***FILINGS IN THE SECRETARY OF STATE'S OFFICE:***

### ***Administrative Rules:***

**DEPARTMENT OF COMMERCE AND REGULATION: DIVISION OF INSURANCE: 20:06:45.**

History-Notice: 27 SDR 99, March 26, 2001  
 Hearing: April 19, 2001  
 Filed: May 15, 2001  
 Effective: June 4, 2001

**Supreme Court Rule 01-09** The Supreme Court amended Canon 3 (B) (12) of the Code of Judicial Conduct in the Appendix to SDCL Chapter 16-2, to conform to the rules for expanded media coverage.

### *Supreme Court Rules*

**Supreme Court Rule 01-08** The Supreme Court has adopted rules of procedure for expanded media coverage of Supreme Court proceedings. The rules provide for a media coordinator, relevant definitions, and general guidance. The rules outline objections and regulate such things as advance notice, conduct and attire, technical requirements, equipment, and pooling.

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

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| 8-9-2001  | Game, Fish and Parks   | Modify Low Plains Middle and North Zones, increase daily and possession limit on certain ducks, remove reference to repealed regulations, modify portions of Dark Goose Units 1 and 2, increase daily limit for certain geese, change zoned waters in Brown, Potter, Roberts, and Clark Counties, allow placement of tree stands in earlier hunting seasons, reduce number of deer licenses in Black Hills deer hunting seasons, fish limits on Reetz Lake, depredation permit pool requirements and selection process; 28 SDR 11. |
| 8-15-2001 | Commerce and Regulation:<br>Veterinary Medical Examining Board | Provide for veterinary livestock assistants; 28 SDR 12.  |
| 8-16-2001 | Commerce and Regulation:<br>Division of Securities             | Allow banks to conduct brokerage activity, repeal certain securities registration provisions and provisions concerning public offerings of securities, require electronic filing of state and  |

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|           |  | federal investment advisers and representatives, revise exemptions from registration for certain securities; 28 SDR 7.  |
| 8-22-2001 | Health   | Streamline process of recruiting international medical graduates to SD; 28 SDR 12.  |
| 8-22-2001 | Investment Council                                       | Implement Higher Education Savings Plan; 28 SDR 15.   |
| 8-27-2001 | Agriculture  | Increase farmers' and ranchers' access to capital for investment in cooperatives; 28 SDR 11.  |
| 8-27-2001 | Public Utilities Commission: One Call Notification Board | March board meeting, define duties of chair and secretary/treasurer, permit board to hire or contract duties, functions, and powers, allow excavators to assign emergency tickets; 28 SDR 15. |

### ***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held on Tuesday, August 7 at 9:00 a.m. in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2001 interim: October 8 and November 28.

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.

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