

# REGISTER

*South Dakota Legislative Research Council*



*Volume 36*

*Monday, 8:00 a.m., August 10, 2009*

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**NOTICES OF PROPOSED RULES:** (None)

Filed: August 3, 2009  
Effective: August 23, 2009

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

**DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES: BOARD OF  
WATER AND NAUTRAL RESOURCES:**

74:05:05:16 to 74:05:05:21.01, inclusive.

History-Notice: 35 SDR 291, June 1, 2009  
Hearing: June 25, 2009  
Filed: July 31, 2009  
Effective: August 20, 2009

**DEPARTMENT OF TRANSPORTATION:**

70:01:02:01(2), 70:01:02:60(1), 70:01:02:60(2),  
70:01:02:60(7), and 70:01:02:60(8).

History-Notice: 35 SDR 303, June 15, 2009  
Hearing: June 25, 2009  
Filed: July 31, 2009  
Effective: August 20, 2009

**DEPARTMENT OF PUBLIC SAFETY:**

61:16:01:01, 61:16:01:02, 61:16:01:03, and  
61:16:01:05.

History-Notice: 35 SDR 311, June 22, 2009  
Hearing: July 1, 2009  
Filed: August 3, 2009  
Effective: August 23, 2009

**DEPARTMENT OF TRANSPORTATION:**

70:01:02:04(5), 70:01:02:14(1), 70:01:02:14(2),  
70:01:02:14(3), 70:01:02:14(04),  
70:01:02:63(5), and 70:01:02:67(1).

History-Notice: 35 SDR 261, May 4, 2009  
Hearing: May 28, 2009

**DEPARTMENT OF HEALTH: BOARD OF  
NURSING HOME ADMINISTRATORS:**

20:49:01:01; 20:49:02:02, 20:49:02:04;  
20:49:03:01, 20:49:03:02, 20:49:03:03,  
20:49:03:04, 20:49:03:06, 20:49:03:07;  
20:49:04:01, 20:49:04:02; 20:49:05:01;  
20:49:06:01; 20:49:07:01; 20:49:08:01,  
20:49:08:01.01, 20:49:08:02, 20:49:08:03,  
20:49:08:04, 20:49:08:05.

History-Notice: 35 SDR 297, June 8, 2009  
Hearing: June 25, 2009  
Filed: August 5, 2009  
Effective: August 25, 2009

**DEPARTMENT OF SOCIAL SERVICES:  
CATASTROPHIC COUNTY POOR  
RELIEF BOARD: Article 67:19 and  
Article 22:02.**

History-Notice: 35 SDR 297, June 8, 2009  
Hearing: June 29, 2009  
Filed: August 6, 2009  
Effective: August 26, 2009

**SOUTH DAKOTA INVESTMENT  
COUNCIL: 6:01:02:01; 6:01:03:01; and  
6:01:07:02.**

History-Notice: 35 SDR 277, May 18, 2009  
Hearing: June 22, 2009  
Filed: August 6, 2009  
Effective: August 26, 2009

**Executive Appointments:**

**Mike Colleran**, Pierre, was reappointed on July 31, 2009, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, effective immediately and shall continue until June 30, 2012.

**Thomas Garrity**, Hoven, was reappointed on July 31, 2009, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until June 30, 2012.

**Lisa Kollis-Young**, Sioux Falls, was reappointed on July 31, 2009, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until June 30, 2012.

**Bob Reier**, Sioux Falls, was reappointed on July 31, 2009, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, effective immediately and shall continue until June 30, 2012.

**Alfred L. Rude**, Brookings, was reappointed on July 31, 2009, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2012.

**Nancy Van Camp**, Ft. Pierre, was reappointed on July 31, 2009, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until June 30, 2012.

**Diana Berkland**, Sioux Falls, was reappointed on August 3, 2009, to the **South Dakota Board of Nursing**, effective immediately and shall continue until June 30, 2012.

**Jeanie L. Blair**, Sturgis, was reappointed on August 3, 2009, to the **State Board of Podiatry Examiners**, effective immediately and shall continue until June 30, 2012.

**Christine R. Callaghan**, Yankton, was reappointed on August 3, 2009, to the **South**

**Dakota Board of Nursing**, effective immediately and shall continue until June 30, 2012.

**Dori Dufault**, Hot Springs, was reappointed on August 3, 2009, to the **South Dakota Board of Nursing**, effective immediately and shall continue until June 30, 2012.

**H. Adrian Mohr**, Sioux Falls, was reappointed on August 3, 2009, to the **South Dakota Board of Nursing**, effective immediately and shall continue until June 30, 2012.

**Scott L. Shindler**, Yankton, was reappointed on August 3, 2009, to the **State Board of Podiatry Examiners**, effective immediately and shall continue until June 30, 2012.

**Tamara Baker**, Sioux Falls, was reappointed on August 4, 2009, to the **South Dakota State Board for Nursing Facility Administrators**, effective immediately and shall continue until June 30, 2012.

**Clint Graybill**, Sioux Falls, was reappointed on August 4, 2009, to the **South Dakota State Board for Nursing Facility Administrators**, effective immediately and shall continue until June 30, 2012.

**Jeff Haase**, Lemmon, was reappointed on August 6, 2009, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2012.

**Connie Halverson**, Pierre, was reappointed on August 6, 2009, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2012.

**Chris Lien**, Rapid City, was reappointed on August 6, 2009, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2012.

**Mike Trykoski**, Rapid City, was reappointed on August 6, 2009, to the **South Dakota Energy Infrastructure Authority**, effective immediately and shall continue until June 30, 2015.

**Raymond J. Wahle**, Sioux Falls, was appointed on August 6, 2009, to the **South Dakota Energy Infrastructure Authority**, to replace Audry Ricketts, effective August 5, 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

|           |   |   |
|-----------|---|---|
| 8-11-2009 | Personnel                                 | 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.   |
| 8-11-2009 | Social Services: Adult Services and Aging | 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 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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