

REGISTER

South Dakota Legislative Research Council



Volume 33

Monday, 8:00 a.m., September 25, 2006

NOTICES OF PROPOSED RULES: (None)

Filed: September 15, 2006
Effective: October 5, 2006

**FILINGS IN THE SECRETARY OF
STATES OFFICE:**

Executive Appointment:

**DEPARTMENT OF REVENUE AND
REGULATION: DIVISION OF
INSURANCE:** 20:06:12:02, 20:06:12:07;
20:06:13:17.04, 20:06:13:21; 20:06:19:04;
20:06:20:05; 20:06:25:01, 20:06:25:01.01,
20:06:25:01.02, 20:06:25:02; 20:06:26:01;
20:06:36:01, 20:06:36:04, 20:06:36:05; and
20:06:38:33.

Jeffery A. Hazard, Sioux Falls, was appointed on September 18, 2006, to the **Board of Technical Professions**, to replace Raymond Hengel, effective September 18, 2006, and shall continue until April 14, 2009.

History-Notice: 33 SDR 9, July 17, 2006
Hearing: August 7, 2006

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

9-26-2006	Administration	Amend rules to remove references to the director of highways and state highway engineer and replace them with the secretary of Transportation or his designee; 33 SDR 23.
9-27-2006	Agriculture: Brand Board	Amend a rule to increase the ownership inspection fee from .70 to .80 cents for each head of livestock inspected; 33 SDR 35.
9-28-2006	Transportation	Amend a speed zone in Potter County on US Highway 212 in the City of Gettysburg to reduce speed limits for traffic entering the community and along the areas of development and amend a rule to allow for the addition of a third service type on panel or supplemental panel informational, directional signs; 33 SDR 42.
9-28-2006	Public Safety: Driver Licensing	Amend rules to change the Department name from Commerce and Regulation to Public Safety; prohibit an applicant who has made a

		fraudulent application for a driver license or identification card from obtaining such document until the Department Secretary deems it appropriate; revise rules regarding issuance of restricted licenses (work and school permits); revise rules regarding commercial driver licenses to reflect adoption of current federal regulation and to revise requirements for third party tester applicants; clarify language regarding commercial disqualifications; change reference to statutes that have been moved from one chapter to a different chapter; repeal the fees for the sale of driver license lists and clarify language regarding vision standards needed to obtain a driver license; 33 SDR 42.
9-28-2006	Environment and Natural Resources: Board of Water and Natural Resources	Amend rules to establish a consistent definition of "Board" across the programs; allow a designated representative to act in behalf of the department secretary; change the effective date of the Clean Water Act from January 1, 2004, to October 1, 2006; modify the definition of "Facilities plan"; simplify the rule regarding application cycles; allow capitalized interest as an eligible project cost; establish the criteria for setting interest rates; eliminate the need to set rates annually for the revolving fund programs; clarify that individual payments can exceed the percentage provided in the award agreement, but the total payment cannot exceed that percentage; require assistance recipients to maintain accounting records in accordance with the financial assistance agreements; eliminate the requirement for assistance recipients to maintain final project plans and make them available for public inspection; specify that water user districts are eligible for loan funding for projects involving wastewater treatment works; reduce the number of calendar days required for the public hearing notice to adopt the Intended Use Plans and allow the board 30 days to adopt the final Intended Use Plans; clarify the procedure for amending the Drinking Water SRF Intended Use Plan; clarify the items that must be received as part of the revolving fund loan applications and establish deadlines for the

		submittal and review of those items; allow the Board of Water and Natural Resources to rescind loans under certain conditions; increase the maximum repayment period for SRF loans from 20 years to 30 years; include a definition of "loan" for the SRF programs; clarify that loan repayment periods cannot exceed the useful life of any project financed through a revolving fund program; revise a citation to an administrative rule in the Drinking Water SRF project priority rating system; clarify that set-aside for Drinking Water SRF administration can be used for retaining a financial advisor and eliminate language regarding costs for establishing the Drinking Water SRF program; and to make other revisions as needed to provide consistency among the programs; 33 SDR 49.
9-29-2006	Agriculture: Pulse Council	Adopt rules to establish guidelines for the Pulse crop check-off; 33 SDR 41.
10-3-2006	Public Safety: State Fire Marshal	Amend rules to change all references made to the Department of Commerce and Regulation to the Department of Public Safety, and adopt the 2003 edition of the International Building, Fire, and Mechanical Codes as fire safety standards; 33 SDR 42.
10-6-2006	Labor: Board of Accountancy	Amend rules to update the references cited and to include acceptable experience gained prior to sitting for the Uniform CPA Examination; 33 SDR 41.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Thursday, September 28, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: December 5, and January 8, 2007.

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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