

REGISTER

South Dakota Legislative Research Council



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Monday, 8:00 a.m., November 6, 2006

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

Department of Transportation: (October 31, 2006) intends to amend a speed zone in Pennington County on US Highway 16B in the City of Rapid City to create a speed limit along newly constructed portions of this highway and to provide for reduced speeds along areas of development and repeal a speed zone in Lincoln County on SD Highway 11 because the segment of highway referenced in the current rule has been reconstructed and the reduced speed limit is no longer warranted – repeal of this rule would raise the speed limit from the current 55 miles per hour to 65 miles per hour. The general authority for these rules, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the commission room of the Becker/Hansen Building, 700 E. Broadway Avenue in Pierre, South Dakota, on November 30, 2006, at 9:05 a.m. CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by November 29, 2006, 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) 773-3265 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Executive Proclamation:

Governor Rounds has issued an **Executive Proclamation** to convene the Senate of the South Dakota State Legislature in a special session according to Article IV, Section 3 of the South Dakota Constitution. The purpose of the special session of the Senate is to hear, investigate, and deliberate allegations concerning the conduct of Senator Dan Sutton. The Senate may take any action it deems necessary and determines to be appropriate. The special session of the Senate will begin in the chambers of the Senate on Monday, November 27, 2006, at 9 a.m., Central Standard Time.

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

11-7-2006	Public Utilities Commission	Amend rules to allow for the electronic filing and serving of documents and to otherwise clarify how documents are to be filed. If a
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		<p>person does not have the ability to file electronically, that person may still file a paper copy. A number of the rule changes explain how to file electronically, how the commission will serve documents, outline the exceptions for filing electronically, and delete references to require paper copies. The rules will provide that the circuit court rules of civil procedure will apply unless otherwise stated. The changes to the rules will also differentiate between complaints filed by consumers and complaints filed by one utility against another utility; make it easier for a consumer to file a complaint when compared to a complaint filed by a utility; revise the requirements for stipulations by deleting the requirement that all parties must sign a stipulation; clarify that rules apply to all contested cases, not just complaints; clarify the filing of interventions and answers to interventions; revise the procedures for filing amended pleadings; clarify the filing of exhibits or technical documents during a hearing; require a party to file proposed findings of fact only if requested by the Commission; revise the filing of declaratory rulings and the timeline for Commission action; and revise the treatment and filing of confidential information; 33 SDR 65.</p>
11-9-2006	Agriculture: State Conservation Commission	<p>Amend rules to update the criteria for administration, terms, and conditions for disbursement of funds and for the selection of projects to receive funds through the Coordinated Natural Resource Conservation Program; 33 SDR 66.</p>
11-9-2006	Health	<p>Adopt rules to establish standards for abortion facilities and the health and safety of patients; 33 SDR 69.</p>
11-9-2006	Revenue and Regulation: Division of Insurance	<p>Adopt and amend rules to allow permissible exclusions that are appropriate for accidental and dismemberment policies and to allow the use of updated mortality tables in life insurance reserving; and to ensure consumers are aware of the effect of purchasing a short term major medical policy; 33 SDR 69.</p>
11-13-2006	Human Services: Division of Rehabilitation Services	<p>Adopt and amend rules on denial, suspension, or revocation of certificate by removing the reference to the interpreter review panel;</p>

		define "contact hour," "division," "educational interpreter performance assessment," "mentor," "nationally certified interpreter," and "registration;" outline the process and requirements for initial and annual registration for South Dakota and nationally certified interpreters; outline the process and requirements for obtaining a provisional certification; clarify the continuing education requirements; amend the fee schedule; and amend the medical, educational or legal settings to clarify what certification levels an interpreter may interpret in each setting; 33 SDR 73.
11-16-2006	Game, Fish and Parks	Amend rules to change the following: Spring Wild Turkey Hunting Season – establish season dates, number/types of resident and nonresident hunting license/tags available in the hunting Units, landowner/operator license preference for obtaining licenses; prohibit shooting a turkey in a tree or roost; allow persons to use only bow and arrow, shotgun using shot shells or muzzle loading shotgun in state parks and recreation areas within prairie units and in certain designated hunting Units; establish new hunting units in Moody, Minnehaha and Jerauld counties as shotgun-only units; establish a new unit in Brule County; add Turner County and Spink County to the area open for archery hunting; combine separate units in Charles Mix and Douglas counties into one unit; combine Units 02B (central Pennington County) and 21A (eastern Custer County) into one unit; close Hamlin and Hand counties to archery turkey hunting; and eliminate season closure language and firearm restrictions in State Parks and Recreation Areas covered in ARSD 41:03:01:16; Waterfowl Hunting Season – retain the light goose Conservation Order and establish season dates and bag limits; Fishing Limits – reduce the walleye possession limit on Lake Oahe from 12 to 8; Walleye size restrictions on Belle Fourche Reservoir – clarify that walleye size restrictions apply to all waters contiguous to Belle Fourche Reservoir, including the inlet canal up to the terminal drop of Belle Fourche River diversion; Fishing Tournaments –

		<p>change the months during which "catch and release" walleye and salmon tournaments are prohibited to June 1 through September 15 of each year; Fishing Seasons – change the opening day of the Minnesota/South Dakota boundary water fishing season from the last Saturday in April to the Saturday closest to April 21 in each year; Spearing – establish the opening day for spearing rough fish on Minnesota/South Dakota boundary waters from the last Saturday in April to the Saturday closest to April 21, and establish night spearing from June 1 through August 31, in each year; Custer State Park Spring Wild Turkey Hunting Season – establish season dates and increase the number of resident one-tag "male turkey" licenses being issued from 100 licenses to 125 licenses; Camping Permits and Rules – establishes the fee for the new group lodge being renovated at Newton Hills State Park; Endangered and Threatened Species – delist the Central Mudminnow (<i>Umbra limi</i>) from the List of Endangered Fish; delist the Trout-perch (<i>Percopsis omiscomaycus</i>) from the List of Threatened Fish; delist Blandings Turtle (<i>Emydoidea blandingii</i>) from the List of Endangered Reptiles; and change the status of Sicklefin Chub (<i>Macrhybopsis meeki</i>) from threatened to endangered; 33 SDR 77.</p>
11-30-2006	Transportation	<p>Amend a speed zone in Pennington County on US Highway 16B in the City of Rapid City to create a speed limit along newly constructed portions of this highway and to provide for reduced speeds along areas of development and repeal a speed zone in Lincoln County on SD Highway 11 because the segment of highway referenced in the current rule has been reconstructed and the reduced speed limit is no longer warranted – repeal of this rule would raise the speed limit from the current 55 miles per hour to 65 miles per hour; 33 SDR 83.</p>

RULES REVIEW COMMITTEE MEETINGS

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