

# REGISTER

*South Dakota Legislative Research Council*



*Volume 28*

*Monday, 8:00 a.m., November 19, 2001*

---

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

---

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

***Department of Game, Fish and Parks:***

(November 13, 2001) is proposing rules to provide additional restrictions to possession of pets in state parks; provide additional recreation areas and lakeside use areas along the Missouri River where a valid park entrance license is required and remove Peoria Flats as an area requiring a park entrance license; repeal the license exemption at Farm Island during the designated time; increase the temporary park entrance license fees at Custer State Park; increase certain camping fees in Custer State Park and other areas within the state park system; change campground names; modify designations, additions, and classifications of certain campgrounds throughout the state; require campers who register at first come, first served sites to immediately occupy the campsite; and make modifications, additions, and deletions to water safety zones in Charles Mix, Day, and Walworth Counties. The general authority for these rules, as cited by the department, is SDCL 41-2-38, 41-17-1.1, 41-17-13, 41-17-13.4, and 42-8-1.1.

A public hearing will be held at the Ramkota River Centre, 920 West Sioux Avenue, Pierre, South Dakota, on Thursday, December 6, 2001, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to [chuck.schlueter@state.sd.us](mailto:chuck.schlueter@state.sd.us). E-mail comments

must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

***Department of Commerce and Regulation:***

***Division of Insurance:*** (November 13, 2001) intends to adopt EMERGENCY RULES to correct inequities in the formula for the two percent cap on high-risk individuals. The general authority for these rules, as cited by the division, is SDCL 58-17-85 and 58-17-87.

Copies of the proposed rules may be obtained from the South Dakota Division of Insurance, 118 West Capitol Avenue, Pierre, South Dakota 57501-2000.

***South Dakota Retirement System:*** (November 14, 2001) intends to adopt rules to comply with federal law and with certain investment selection provisions of state law; to improve the portability of retirement funds between and among various types of retirement plans and systems; to allow greater accumulation of retirement funds to and by members; to eliminate certain restrictions on accumulation of retirement funds by members; and to identify certain trust requirements for certain retirement funds. The general authority for these rules, as cited by the office, is SDCL 3-12-89.1, 3-13-49, and 3-13-54.

A public hearing will be held in the Lake Francis Case Room of the River Centre Convention Center, 920 West Sioux Avenue, Pierre, South Dakota, on Wednesday, December 5, 2001, at 2:00 p.m. Copies of the proposed rules may be obtained from and written

comments sent to the South Dakota Retirement System, PO Box 1098, Pierre, South Dakota 57501-1098. Written comments must be received by December 4, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3731 at least forty-eight hours before the hearing.

***Department of Commerce and Regulation:***

***Cement Plant Commission:*** (November 14, 2001) intends to adopt rules to terminate the old retirement plans and to reestablish new plans. The general authority for these rules, as cited by the commission, is SDCL 5-17-5 and 5-17-10.

A public hearing will be held in the Conference Room of the Stan Houston Equipment Company, 501 South Marion Road, Sioux Falls, South Dakota, on Friday, December 7, 2001, at 10:15 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Cement Plant Commission, PO Box 360, Rapid City, South Dakota 57709. Written comments must be received by December 7, 2001, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 721-7100 before the hearing.

**NOTICE:** The **South Dakota Lottery** is ending instant ticket game numbers 111-Hidden Treasures, 138-Scratch Happy, and 139-Aces High. The last day that prizes will be paid for the games is May 7, 2002.

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

***Executive Appointment:***

**Michael B. DeMersseman**, Rapid City, was appointed on November 14, 2001, to the **Board of Minerals and Environment**, to replace Vivian L. Pappel, effective immediately and to continue to July 1, 2002.

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**

11-28-2001	Secretary of State: Board of Elections	Standards for counting imperfectly marked ballots and for automatic tabulating system recounts, postal endorsements for certain notices, notice for potential duplicate voter registrations, clarify when information may be added to a petition, add election logo to envelopes, broaden the use of recount certificates, recount petitions for school and municipal ballot question elections, simplify voter instructions; 28 SDR 69.
12-3-2001	Education and Cultural Affairs: Board of Education	Establish standards and streamline process for alternative teacher

		certification; 28 SDR 71.
12-3-2001	Education and Cultural Affairs: Board of Education	Comply with Individuals With Disabilities Education Act, update language to reflect restructuring of early intervention program and the department and address division responsibilities, clarify determination of child eligible for early intervention services; 28 SDR 71.
12-4-2001	Administration	Increase fees for publication of legal notices; 28 SDR 71.
12-4-2001	Commerce and Regulation: Board of Accountancy	Update references; revise continuing ed rules, repeal obsolete rules; change exam certificate and document fees; requirements for out-of-state candidates; clarify disciplinary procedures and conditional status; clarify certificate renewal procedures; update procedures on firm permits; board mailing list provisions; change fee for discipline petitions; 28 SDR 72.
12-5-2001	Retirement System	Comply with federal and state laws, improve portability of retirement funds, allow accumulation of retirement funds, eliminate restrictions on accumulation of retirement funds, identify trust requirement for certain retirement funds; 28 SDR 75.
12-6-2001	Transportation	Speed zones in Yankton and Viborg, prohibit parking on road across Ft. Randall Dam; 28 SDR 53 and 65.
12-6-2001	Game, Fish and Parks	Pets in state parks, park entrance license required in more areas along Missouri River; remove Peoria Flats from fee area; repeal license exemption at Farm Island; increase temporary entrance fees in Custer State Park; increase camping fees in Custer State Park and other areas within the state park system; change campground names; modify designation, additions, and classifications of certain campgrounds; campers who register at first come, first served sites to occupy immediately; modify, add, and delete water safety zones in certain counties; 28 SDR 75.

12-7-2001	Commerce and Regulation: Cement Plant Commission	Terminate old retirement plans and reestablish new plans; 28 SDR 76.
-----------	--	--

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held on Thursday, November 29, at 3:30 p.m. in Room 413 of the State Capitol. The meeting will reconvene at 8:00 a.m. on Friday, November 30, if necessary.

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 and on the LRC web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 28 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.cfm>).