

Re: Docket OR01-001

07/16/01 - Proposed Rules

07/16/01 - Fiscal Note

07/25/01 - Admission of Service signed by the Secretary of Department of Commerce and Regulation

07/25/01 - Waiver of Waiting Period signed by the Secretary of Department of Commerce and Regulation

07/25/01 - Admission of Service signed by Bureau of Finance and Management

07/25/01 - Admission of Service signed by Legislative Research Council

07/25/01 - Notice of Public Hearing to Adopt Rules

07/26/01 - Letter to Capital Journal

07/26/01 - Letter to Brookings Register

07/26/01 - Letter to Black Hills Pioneer

07/26/01 - Affidavit of Mailing Notice to Interested Parties

08/02/01 - Letter from the Legislative Research Council Regarding Changes to the Proposed Rules

08/06/01 - Fiscal Note signed by Bureau of Finance and Management

08/06/01 - Affidavit of Publication (Capital Journal)

08/06/01 - Affidavit of Publication (Black Hills Pioneer)

08/23/01 - Affidavit of Publication (The Brookings Register)

08/25/01 - Letter and Rules Review Committee Agenda from LRC

08/28/01 - Minutes of Hearing

09/28/01 - Affidavit

10/04/01 - Approval of Rules

10/09/01 - Certificate

10/09/01 - Docket Closed

CHAPTER 20:25:02 GENERAL PROVISIONS

Section

- 20:25:02:01. Board Meetings and quorum.
- 20:25:02:02. Board meeting via telephone conference.
- 20:25:02:03. Voting.
- 20:25:02:04. ~~Duties of the chair~~ Repealed.
- 20:25:02:05. ~~Duties of the secretary/treasurer~~ Repealed.
- 20:25:02:06. Election of officers - Ability to hire and contract.
- 20:25:02:07. Removal of officers.
- 20:25:02:08. Filling vacant office.

20:25:02:01. Board Meetings and quorum. ~~The board shall hold its annual meeting for the election of officers and the transaction of other business in March. At other times meetings~~Meetings may be held on call of the chair or on written request of two or more members of the board. A majority of the board constitutes a quorum for the transaction of business.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-3.

20:25:02:04. Duties of the chair. ~~The chair shall preside at all meetings be the board's contact with the center, draft board meetings agendas, and perform other duties as directed by the board. In the absence of the chair, a majority of the board shall designate a board member to act as chair~~ Repealed.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: ~~SDCL 49-7A-4.~~

Law Implemented: ~~SDCL 49-7A-2, 49-7A-3.~~

20:25:02:05. Duties of the secretary/treasurer. ~~The secretary/treasurer is in charge of the business and transactions of the board. The secretary/treasurer shall assemble and present to the board monthly financial statements, an annual report of the board's receipts and expenditures and a complete statement of the board's work during the year. The secretary/treasurer shall also perform other duties as directed by the board~~ Repealed.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: ~~SDCL 49-7A-4.~~

Law Implemented: ~~SDCL 49-7A-2, 49-7A-3.~~

20:25:02:06. Election of officers - Ability to hire and contract. The board shall elect officers annually by a majority vote of the board. Officers shall hold office until the next election of officers one of its members as chairperson and another as secretary/treasurer, for such terms and with such duties and powers as the board considers necessary for the performance of the functions of those offices.

In carrying out the duties, functions, and powers of the board, the board may hire employees or contract with any state agency or private party for the performance of such duties, functions, and powers as the board considers appropriate.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-3.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time on tickets shall be entered as central standard time or central daylight time when it is in effect;

(2) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator(s) assisting in resolving the emergency situation, all other Tickets tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) A separate ticket shall be issued for each excavation site;

(4) On a continuous job site, a ticket shall be issued for the right of way of each separate road, street, avenue, or identified continuous easement;

(5) A modified ticket may be issued if the excavator determines that the excavator provided inaccurate information on the original request. Upon its issuance the modified ticket supersedes the original ticket. The start time on the modified ticket is two working days from the issuance of the modified ticket; and

(6) A modified ticket may be issued if the excavator, one call notification center or the operator determine that then one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site. The start time on the modified ticket is four hours from the notification time as stated on the modified ticket or the start time of the original ticket, whichever is later.

Source: 26 SDR, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-8.

BFM 50.10

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

	CODE	NAME
DEPARTMENT	13	Department of Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1396	One-Call Notification Board

PROPOSED RULES 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08
Hearing Date August 27, 2001

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies	First Year Impact	Continuous Yearly Impact
TOTAL	0	0
Local Subdivisions	First Year Impact	Continuous Yearly Impact
TOTAL	0	0
Revenue Increases (Decreases) State & Local	First Year Impact	Continuous Yearly Impact
TOTAL	0	0

APPROVED  DATE 7-16-01
Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.

**CHAPTER 20:25:02
GENERAL PROVISIONS**

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~~In carrying out the duties, functions, and powers of the board, the board may hire employees or contract with any state agency or private party for the performance of such duties, functions, and powers as the board considers appropriate.~~

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(5) A modified ticket may be issued if the excavator determines that the excavator provided inaccurate information on the original request. Upon its issuance the modified ticket supersedes the original ticket. The start time on the modified ticket is two working days from the issuance of the modified ticket; and

(6) A modified ticket may be issued if the excavator, one call notification center or the operator determine that then one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site. The start time on the modified ticket is four hours from the notification time as stated on the modified ticket or the start time of the original ticket, whichever is later.

Source: 26 SDR, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-8.

EXPLANATION OF RULES EFFECT

The One-Call Notification Board will hold a public hearing 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, 8th and 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., to consider the adoption and amendment of proposed rules numbered §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08.

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:02:01, language requiring that an annual meeting be held in March for the election of officers and the transaction of other business has been omitted.

Section 20:25:02:04 has been repealed.

Section 20:25:02:05 has been repealed.

In section 20:25:02:06, the title to the rule has been amended to add the ability to hire and contract. Language requiring that the officers be elected at the annual meeting and that they serve until the next election has been omitted. Language permitting the election of a chairperson and a secretary/treasurer has been added. Language permitting the board to designate the terms and duties of those positions has also been added. The rule has also been modified to permit the board to hire employees or contract with state agencies or private parties to carry out its duties, functions and powers.

In section 20:25:03:08, language permitting emergency tickets to be assigned to another excavator or excavators in resolving emergency situations has been added.

Since the reasons for the proposed rules are to eliminate the requirement that the board meet annually in March to elect officers, and instead allows the board to meet at a different time to elect officers and to set the term length of those positions, to eliminate the language in the rules which defines the duties and functions of the chairperson and the secretary/treasurer, and instead allows the board to define the duties of those positions, to permit the board to hire or contract out its duties, functions and powers to employees or contract with state agencies or private parties, and to allow excavators to assign emergency tickets to other excavators in order to deal more efficiently with emergency situations, there are no fiscal impacts on state agencies or local governmental subdivisions.

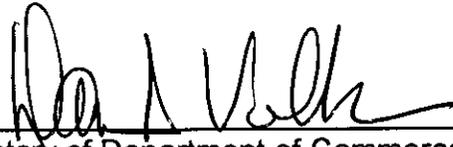
IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08, and
- (2) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 25th day of July, 2001.



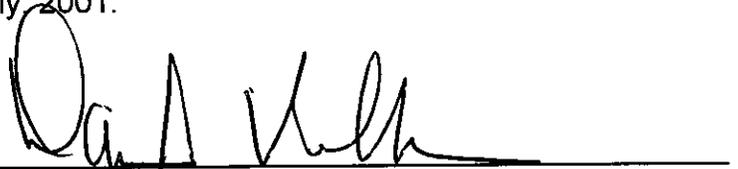
Secretary of Department of Commerce and Regulation

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, David Volk, Secretary of Department of Commerce and Regulation, waive the fifteen-day waiting period before proceeding with the promulgation of the Public Utilities Commission's proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08.

Dated this 25th day of July, 2001.

A handwritten signature in black ink, appearing to read "David Volk", is written over a horizontal line.

Secretary of Department of Commerce and Regulation

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08,
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 25th day of July, 2001.


Bureau of Finance and Management

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

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- (2) the notice of hearing,
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- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 25th day of July, 2001.



Legislative Research Council

One-Call Notification Board
Notice of Public Hearing to Adopt Rules

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, 8th and 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., to consider the adoption and amendment of proposed rules numbered

20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes modifications to existing rules.

The effects of the proposed rules changes are as follows:

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Section 20:25:02:04 has been repealed.

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In section 20:25:03:08, language permitting emergency tickets to be assigned to another excavator or excavators in resolving emergency situations has been added.

The reasons for the proposed rule changes are to eliminate the requirement that the board meet annually in March to elect officers, and instead allows the board to meet at a different time to elect officers and to set the term length of those positions. The rule changes also eliminate the language in the rules which defines the duties and functions

of the chairperson and the secretary/treasurer, and instead allows the board to define the duties of those positions. The amendments are also intended to permit the board to hire or contract out its duties, functions and powers to employees or contract with state agencies or private parties. The modifications are also intended to allow excavators to assign emergency tickets to other excavators in order to deal more efficiently with emergency situations.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission prior to the hearing to be considered.

After the hearing, the One-Call Notification Board will consider all written and oral comments it receives on the proposed rules. The One Call Notification Board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://www.state.sd.us/puc>.

South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



July 26, 2001

Capital Journal
P. O. Box 878
Pierre, SD 57501-0878

To whom it may concern:

Please publish the enclosed notice in your paper as a display advertisement for one issue by August 3, 2001.

South Dakota law requires that this notice be published as a display advertisement. Your failure to return your Affidavit of Publication containing the words "display advertisement" with your invoice will nullify your claim for publication fees.

Sincerely yours,

Kelly Frazier
Staff Attorney

KF:dk
Enc.

Capitol Office
Telephone (605)773-3201
FAX (605)773-3809

Transportation/
Warehouse Division
Telephone (605)773-5280
FAX (605)773-3225

Consumer Hotline
1-800-332-1782

TTY Through
Relay South Dakota
1-800-877-1113

Internet Website
www.state.sd.us/puc/

♦
Jim Burg
Chairman
Pam Nelson
Vice-Chairman

Debra Elofson
Executive Director

Harlan Best
Martin C. Bettmann
Sue Cichos
Karen E. Cremer
Christopher W. Downs
Terry Emerson
Michele M. Farris
Marlette Fischbach
Heather K. Forney
Kelly D. Frazier
Mary Giddings
Leni Healy
Mary Healy
Lisa Hull
Dave Jacobson
Amy Kayser
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦



South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

July 26, 2001

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Dave Jacobson
Amy Kayser
Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
♦

Brookings Register
P. O. Box 177
Brookings, SD 57006-0177

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South Dakota Public Utilities Commission



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July 26, 2001

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Jennifer Kirk
Bob Knadle
Delaine Kolbo
Charlene Lund
Gregory A. Rislov
Keith Senger
Rolayne Ailts Wiest
◆

Black Hills Pioneer
P. O. Box 7
Spearfish, SD 57783-0007

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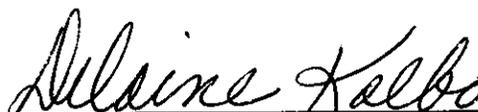
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IN THE MATTER OF THE
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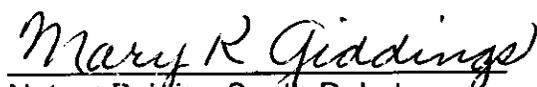
AFFIDAVIT OF MAILING NOTICE
TO INTERESTED PARTIES

I, Delaine Kolbo, under oath, do swear, that on July 26, 2001, I mailed a copy of the notice attached to this affidavit to the list of persons attached to this affidavit. I further swear that the attached list is a true and correct list of all persons who have usually been given notice of the activities of the One-Call Notification Board as furnished to me by that Board's Executive Director and it is my belief that these parties would want advance notice of rulemaking proceedings by the One-Call Notification Board.



Delaine Kolbo

Subscribed and sworn to
before me this 26th day
of July, 2001.



Notary Public - South Dakota

(SEAL)

My Commission Expires

My Commission Expires
January 9, 2007

One-Call Notification Board
Notice of Public Hearing to Adopt Rules

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, 8th and 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., to consider the adoption and amendment of proposed rules numbered

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Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission prior to the hearing to be considered.

After the hearing, the One-Call Notification Board will consider all written and oral comments it receives on the proposed rules. The One Call Notification Board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://www.state.sd.us/puc>.

USWEST

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612 Mt. Rushmore Rd.
Rapid City, SD 57701
Tel: (605) 394-4279
Fax: (605) 394-4517
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MidContinent Communications

Erin Hayes
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SD Association of Counties

Richard Howard
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SD Dept. of Transportation

Scott Pretzer
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SD Independent Telephone Coalition

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Otter Tail Power Company

Kevin Kouba
P. O. Box 392
Milbank, SD 57252
Tel: (605) 432-4579
Fax: (605) 432-9163
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SD Electric Utilities Companies

Bob Miller, Executive Director
300 East Capitol
Pierre, SD 57501
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Williams Energy Group

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Fax: (605) 338-4463
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Montana Dakota Utilities

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Heartland Power District

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Email: moloughl@hcpd.com

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Don Freitag
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Fax: (605) 373-6091
Email: djfreitag@midamerican.com

SD Ass'n of Rural Water Systems

Dennis Davis
5009 W 12th St, Suite 5 Cedar Plaza
Sioux Falls, SD 57106
Tel: (605) 336-7219
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Black Hills Power & Light

Ted Massey
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Rapid City, SD 57709
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Fax: (605) 342-4991
Email: trmassey@blackhillspower.com

Associated General Contractors

James Keyes
P. O. Box 488
Pierre, SD 57501
Tel: (605) 224-8689
Fax: (605) 224-9915
Email: agcdnise@nvc.net

SD Municipal League

Yvonne Vik
214 E Capitol Avenue
Pierre, SD 57501
Tel:
Fax: (605) 224-8655
Email: Yvonne@sd.cybernex.net

Underground Utilities Locating

Jim Krsnak
222A N. Marion Road
Sioux Falls, SD 57107
Tel: (605) 338-2355
Fax: (605) 338-3101
Email: uulsd@uswest.net

SD Petroleum Council

P. O. Box 1395
Bismarck, ND 58502
Tel: (701) 223-6380
Fax:
Email: ndpc@btigate.com



Legislative Research Council

Sen. Arnold M. Brown, Chair
Rep. Michael Derby, Vice Chair

James Fry, Director
Doug Decker, Code Counsel

August 1, 2001

James Burg, Commissioner
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501-5070

Dear Commissioner Burg:

The Public Utilities Commission has proposed adoption and amendment of rules in chapters 20:25:02 and 20:25:03 regarding one-call notification. We have reviewed the proposed rules, scheduled for hearing on August 27, 2001 and approve the rules for legality.

This letter is based on a preliminary review of your rules. Attached are your rules edited for form and style pursuant to SDCL 1-26-6.5 and directions for submitting the final draft of the rules. If you have any questions, please don't hesitate to call me or the staff member who has reviewed your rules.

Sincerely yours,


Doug Decker
Code Counsel

DD:FJB

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08,
- (2) the notice of hearing,
- (3) the fiscal note, and
- (4) all materials incorporated by reference

is hereby admitted at Pierre, South Dakota, this 25th day of July, 2001.



Legislative Research Council

One-Call Notification Board
Notice of Public Hearing to Adopt Rules

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, 8th and 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., to consider the adoption and amendment of proposed rules numbered

20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:02:01, language requiring that an annual meeting be held in March for the election of officers and the transaction of other business has been omitted.

Section 20:25:02:04 has been repealed.

Section 20:25:02:05 has been repealed.

In section 20:25:02:06, the title to the rule has been amended to add the ability to hire and contract. Language requiring that the officers be elected at the annual meeting and that they serve until the next election has been omitted. Language permitting the election of a chairperson and a secretary/treasurer has been added. Language permitting the board to designate the terms and duties of those positions has also been added. The rule has also been modified to permit the board to hire employees or contract with state agencies or private parties to carry out its duties, functions and powers.

In section 20:25:03:08, language permitting emergency tickets to be assigned to another excavator or excavators in resolving emergency situations has been added.

The reasons for the proposed rule changes are to eliminate the requirement that the board meet annually in March to elect officers, and instead allows the board to meet at a different time to elect officers and to set the term length of those positions. The rule changes also eliminate the language in the rules which defines the duties and functions

of the chairperson and the secretary/treasurer, and instead allows the board to define the duties of those positions. The amendments are also intended to permit the board to hire or contract out its duties, functions and powers to employees or contract with state agencies or private parties. The modifications are also intended to allow excavators to assign emergency tickets to other excavators in order to deal more efficiently with emergency situations.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission prior to the hearing to be considered.

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South Dakota Public Utilities Commission
State Capitol
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Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://www.state.sd.us/puc>.

BFM 50.10

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

	CODE	NAME
DEPARTMENT	13	Department of Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1396	One-Call Notification Board

PROPOSED RULES 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08
Hearing Date August 27, 2001

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies	First Year Impact	Continuing/Yearly Impact
TOTAL	0	0
Local Subdivisions	First Year Impact	Continuing/Yearly Impact
TOTAL	0	0
Royalties/Increases (Decreases) State's Local	First Year Impact	Continuing/Yearly Impact
TOTAL	0	0

APPROVED  DATE 7-16-01
Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.

**CHAPTER 20:25:02
GENERAL PROVISIONS**

Section

- 20:25:02:01. Board Meetings and quorum.
- 20:25:02:02. Board meeting via telephone conference.
- 20:25:02:03. Voting.
- 20:25:02:04. ~~Duties of the chair~~ Repealed.
- 20:25:02:05. ~~Duties of the secretary/treasurer~~ Repealed.
- 20:25:02:06. Election of officers - Ability to hire and contract.
- 20:25:02:07. Removal of officers.
- 20:25:02:08. Filling vacant office.

20:25:02:01. Board Meetings and quorum. The board shall hold its annual meeting for the election of officers and the transaction of other business in March. At other times ~~meetings~~ ^{A m} Meetings may be held on call of the chair or on written request of two or more members of the board. A majority of the board constitutes a quorum for the transaction of business.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-3.

20:25:02:04. Duties of the chair. ~~The chair shall preside at all meetings be the board's contact with the center, draft board meetings agendas, and perform other duties as directed by the board. In the absence of the chair, a majority of the board shall designate a board member to act as chair~~ Repealed.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: ~~SDCL 49-7A-4.~~

~~Law Implemented: SDCL 49-7A-2, 49-7A-3.~~

~~20:25:02:05. Duties of the secretary/treasurer. The secretary/treasurer is in charge of the business and transactions of the board. The secretary/treasurer shall assemble and present to the board monthly financial statements, an annual report of the board's receipts and expenditures and a complete statement of the board's work during the year. The secretary/treasurer shall also perform other duties as directed by the board.~~ Repealed.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

~~General Authority: SDCL 49-7A-4.~~

~~Law Implemented: SDCL 49-7A-2, 49-7A-3.~~

20:25:02:06. Election of officers - Ability to hire and contract. The board shall elect officers annually by a majority vote of the board. Officers shall hold office until the next election of officers one of its members as chairperson and another as secretary/treasurer, for such terms and with such duties and powers as the board considers necessary for the performance of the functions of those offices.

In carrying out the duties, functions, and powers of the board, the board may hire employees or contract with any state agency or private party for the performance of such duties, functions, and powers as the board considers appropriate.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-3.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time on tickets shall be entered as central standard time or central daylight time when it is in effect;

(2) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator^{an}(s) assisting in resolving the emergency situation, all other Tickets tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) A separate ticket shall be issued for each excavation site;

(4) On a continuous job site, a ticket shall be issued for the right of way of each separate road, street, avenue, or identified continuous easement;

(5) A modified ticket may be issued if the excavator determines that the excavator provided inaccurate information on the original request. Upon its issuance the modified ticket supersedes the original ticket. The start time on the modified ticket is two working days from the issuance of the modified ticket; and

(6) A modified ticket may be issued if the excavator, one call notification center or the operator determine that then one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site. The start time on the modified ticket is four hours from the notification time as stated on the modified ticket or the start time of the original ticket, whichever is later.

Source: 26 SDR, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-8.

#02009

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

RECEIVED

	CODE	NAME	
DEPARTMENT	13	Commerce & Regulation	AUG 06 2001
DIVISION	139	Public Utilities Commission	SOUTH DAKOTA PUBLIC UTILITIES COMMISSION
PROGRAM	1396	One-Call Notification Board	

RECEIVED

PROPOSED RULE 20:25:02:(01,04,05,06) and 20:25:03:08

Hearing Date: August 27, 2001

AUG 06 2001

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

COST INCREASES (DECREASES)

State Agencies:	First-Year Impact	Continuous-Yearly Impact
	0	0
TOTAL	0	0
Local Subdivisions:		
	0	0
TOTAL	0	0
Revenue Increases (Decreases) State & Local:		
	0	0
TOTAL	0	0

APPROVED Curtis A. Everson DATE 08/02/2001
Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.



DEPARTMENT OF EXECUTIVE MANAGEMENT

BUREAU OF FINANCE AND MANAGEMENT

500 East Capitol, Pierre, SD 57501

(605) 773-3411

FAX: (605) 773-4711

August 2, 2001

The Bureau of Finance and Management has reviewed the attached proposed rules from the Department of Commerce and Regulation and concurs with the assumptions and fiscal impact calculations within the attached package.

CP/jsd

CP
8-2-01

BFM 50.10

**ADMINISTRATIVE PROCEDURES ACT
FISCAL NOTE
Prepared by Submitting Agency**

DEPARTMENT	13	Department of Commerce and Regulation
DIVISION	139	Public Utilities Commission
PROGRAM	1396	One-Call Notification Board

PROPOSED RULES 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08
Hearing Date August 27, 2001

FISCAL NOTE SUMMARY:

List state agencies of local governmental subdivisions affected.

COST INCREASES (DECREASES)

State Agencies	Fiscal Impact	Continuing Year Impact
TOTAL	0	0
Local Subdivisions	Fiscal Impact	Continuing Year Impact
TOTAL	0	0
Royalty Increases (Decreases) State/Local	Fiscal Impact	Continuing Year Impact
TOTAL	0	0

APPROVED  DATE 7-16-01
Signature Department Secretary or Board or Commission Chairman

ATTACH: Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made.

EXPLANATION OF RULES EFFECT

The One-Call Notification Board will hold a public hearing 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, 8th and 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., to consider the adoption and amendment of proposed rules numbered §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08.

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The effects of the proposed rules changes are as follows:

In section 20:25:02:01, language requiring that an annual meeting be held in March for the election of officers and the transaction of other business has been omitted.

Section 20:25:02:04 has been repealed.

Section 20:25:02:05 has been repealed.

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In section 20:25:03:08, language permitting emergency tickets to be assigned to another excavator or excavators in resolving emergency situations has been added.

Since the reasons for the proposed rules are to eliminate the requirement that the board meet annually in March to elect officers, and instead allows the board to meet at a different time to elect officers and to set the term length of those positions, to eliminate the language in the rules which defines the duties and functions of the chairperson and the secretary/treasurer, and instead allows the board to define the duties of those positions, to permit the board to hire or contract out its duties, functions and powers to employees or contract with state agencies or private parties, and to allow excavators to assign emergency tickets to other excavators in order to deal more efficiently with emergency situations, there are no fiscal impacts on state agencies or local governmental subdivisions.

Crue
08009

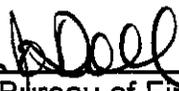
IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

- (1) Public Utilities Commission's proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08,
- (2) the notice of hearing, and
- (3) the fiscal note

is hereby admitted at Pierre, South Dakota, this 25th day of July, 2001.


Bureau of Finance and Management

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

ADMISSION OF SERVICE

Personal service of

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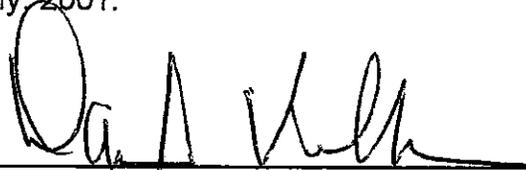
Secretary of Department of Commerce and Regulation

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

WAIVER OF WAITING PERIOD

Pursuant to SDCL subdivision 1-26-4(2), I, David Volk, Secretary of Department of Commerce and Regulation, waive the fifteen-day waiting period before proceeding with the promulgation of the Public Utilities Commission's proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08.

Dated this 25th day of July, 2001.



Secretary of Department of Commerce and Regulation

**CHAPTER 20:25:02
GENERAL PROVISIONS**

Section

- 20:25:02:01. Board Meetings and quorum.
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General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-3.

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Source: 26 SDR, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-8.

One-Call Notification Board
Notice of Public Hearing to Adopt Rules

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In section 20:25:02:06, the title to the rule has been amended to add the ability to hire and contract. Language requiring that the officers be elected at the annual meeting and that they serve until the next election has been omitted. Language permitting the election of a chairperson and a secretary/treasurer has been added. Language permitting the board to designate the terms and duties of those positions has also been added. The rule has also been modified to permit the board to hire employees or contract with state agencies or private parties to carry out its duties, functions and powers.

In section 20:25:03:08, language permitting emergency tickets to be assigned to another excavator or excavators in resolving emergency situations has been added.

The reasons for the proposed rule changes are to eliminate the requirement that the board meet annually in March to elect officers, and instead allows the board to meet at a different time to elect officers and to set the term length of those positions. The rule changes also eliminate the language in the rules which defines the duties and functions

of the chairperson and the secretary/treasurer, and instead allows the board to define the duties of those positions. The amendments are also intended to permit the board to hire or contract out its duties, functions and powers to employees or contract with state agencies or private parties. The modifications are also intended to allow excavators to assign emergency tickets to other excavators in order to deal more efficiently with emergency situations.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission prior to the hearing to be considered.

After the hearing, the One-Call Notification Board will consider all written and oral comments it receives on the proposed rules. The One Call Notification Board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the

South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://www.state.sd.us/puc>.

NOTICE OF PUBLIC HEARING TO ADOPT RULES

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, 8th and 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-ST1, Southeast Technical Institute, Mickelson Education Center, Room 205, 2301 Career Place, Sioux Falls, South Dakota, on August 27, 2001, at 11:00 a.m., to consider the adoption and amendment of proposed rules numbered

20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:02:01, language requiring that an annual meeting be held in March for the election of officers and the transaction of other business has been omitted.

Section 20:25:02:04 has been repealed.

Section 20:25:02:05 has been repealed.

In section 20:25:02:06, the title to the rule has been amended to add the ability to hire and contract. Language requiring that the officers be elected at the annual meeting and that they serve until the next election has been omitted. Language permitting the election of a chairperson and a secretary/treasurer has been added. Language permitting the board to designate the terms and duties of those positions has also been added. The rule has also been modified to permit the board to hire employees or contract with state agencies or private parties to carry out its duties, functions and powers.

In section 20:25:03:08, language permitting emergency tickets to be assigned to another excavator or excavators in resolving emergency situations has been added.

The reasons for the proposed rule changes are to eliminate the requirement that the board meet annually in March to elect officers, and instead allows the board to meet at a different time to elect officers and to set the term length of those positions. The rule changes also eliminate the language in the rules which defines the duties and functions of the chairperson and the secretary/treasurer, and instead allows the board to define the duties of those positions. The amendments are also intended to permit the board to hire or contract out its duties, functions and powers to employees or contract with state agencies or private parties. The modifications are also intended to allow excavators to assign emergency tickets to other excavators in order to deal more efficiently with emergency situations.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission prior to the hearing to be considered.

After the hearing, the One-Call Notification Board will consider all written and oral comments it receives on the proposed rules. The One Call Notification Board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities



Capit

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION AFFIDAVIT O

State of South Dakota, County of Hughes

Carolyn Deal
oath, says: That he/she is the publisher or an daily newspaper published in the City of Pierre, South Dakota; that he/she has full and personal knowledge that the newspaper is a legal newspaper as defined in SDCL 17-2-1. The newspaper has been published within the said County of Hughes for one year next prior to the first publication of the advertisement headed One-Call Notification Board Public Hearing to Adopt Proposed Rules a printed copy of which, taken from the paper is attached and made a part of this affidavit, with successive week(s) to wit:

July 31 2001

_____ 20

That the full amount of the fee charged for the publication of the advertisement is for the sole benefit of the publisher or publishers; that no part thereof has been made with any other person, and that no part thereof has been paid to any person whomsoever; that the fees charged are as follows:

Signed: Carolyn M. Deal

subscribed and sworn to before me this 1 day of May 2001

Notary Public in and for the County of Hughes
My Commission expires 2-1

RECEIVED

AUG 06 2001

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF LAWRENCE)

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Stewart Huntington of said County and State being first duly sworn, on his oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Stewart Huntington, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I, Stewart Huntington, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

4x9 "display advertisement"
Notice of Public Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 30th day of July, 2001, and the last publication on the _____ day of _____, that the full amount of fees charged for publishing same, to-wit: The sum of \$ 307.80, insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Stewart Huntington
Subscribed and sworn to before me this 30th day of July, 2001.

Keith Johnson
Notary Public, Lawrence County, South Dakota
My commission expires: 10-24-2004

One-Call Not Notice of Public He

A public hearing will be held at DDN-Aberdeen Library, Room 117, 1200 South Jay Street, Aberdeen, South Dakota, DDN-Mitchell Technical Institute, Main Building, Rapid City, South Dakota, DDN-Pierre-Studio A, State Capitol Building, Pierre, South Dakota, DDN-Rapid City-SDSM&T, SD School District, Rapid City, South Dakota, DDN-Rapid City-SDSM&T, SD School District, Rapid City, South Dakota, on August 27, 2001, at 11:00 a.m., to consider proposed rules numbered

20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06, 20:25:03:08, 20:25:03:09, 20:25:03:10, 20:25:03:11, 20:25:03:12, 20:25:03:13, 20:25:03:14, 20:25:03:15, 20:25:03:16, 20:25:03:17, 20:25:03:18, 20:25:03:19, 20:25:03:20, 20:25:03:21, 20:25:03:22, 20:25:03:23, 20:25:03:24, 20:25:03:25, 20:25:03:26, 20:25:03:27, 20:25:03:28, 20:25:03:29, 20:25:03:30, 20:25:03:31, 20:25:03:32, 20:25:03:33, 20:25:03:34, 20:25:03:35, 20:25:03:36, 20:25:03:37, 20:25:03:38, 20:25:03:39, 20:25:03:40, 20:25:03:41, 20:25:03:42, 20:25:03:43, 20:25:03:44, 20:25:03:45, 20:25:03:46, 20:25:03:47, 20:25:03:48, 20:25:03:49, 20:25:03:50, 20:25:03:51, 20:25:03:52, 20:25:03:53, 20:25:03:54, 20:25:03:55, 20:25:03:56, 20:25:03:57, 20:25:03:58, 20:25:03:59, 20:25:04:00, 20:25:04:01, 20:25:04:02, 20:25:04:03, 20:25:04:04, 20:25:04:05, 20:25:04:06, 20:25:04:07, 20:25:04:08, 20:25:04:09, 20:25:04:10, 20:25:04:11, 20:25:04:12, 20:25:04:13, 20:25:04:14, 20:25:04:15, 20:25:04:16, 20:25:04:17, 20:25:04:18, 20:25:04:19, 20:25:04:20, 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Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

KRISTI OLSON of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

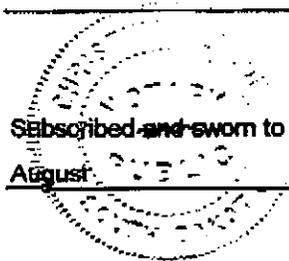
Display Legal Notice of Public Hearing to Adopt Rules

Brookings and State of South Dakota, for more than one
a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for _____ 1 times, to-wit:

August 3, 2001

said Exhibit "A" inures to the sole benefit to the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are:

One hundred sixty-two dollars and ninety cents \$162.90



Kristi Olson

Subscribed and sworn to before me this

13 day of

August

, 2001.

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

slowed success.

set at Oakwood Park

p.m.; movie and popcorn, 9 p.m.

■ Lake Poinsett: Junior naturalist program, 1 p.m.; nature craft, 4 p.m.; movie and popcorn, 9 p.m.

Sunday, Aug. 5

■ Oakwood Lakes: Praise in the Park, 9:30 a.m.

■ Lake Poinsett: Methodist camp service, 9 a.m.

fun, entertainment

seed-spitting contest and a bison chip-throwing contest.

"I encourage festival goers to participate in these and other crafts and games throughout the day," said Dan Grewing, park manager. "Come and join us for a fun-filled day of exciting, family fun and activities. Bring a camera, walking shoes, bikes, strollers and your love for the great outdoors."

To find the Adams Homestead and Nature Preserve, take Interstate 29 to the McCook Lake exit (Exit 4). Proceed one mile west on Northshore Drive and turn south at Dakota Valley School.

For more information on the 2001 festival, call the Adams Homestead and Nature Preserve park office at (605) 232-0873.



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good with 18 to 24 per boat in the 13.5- to 16-inch range, taking minnows and crawlers in 20 to 25 feet of water. Lots of catfish up to

our land, purifying the air and giving fresh strength to our people." Franklin D. Roosevelt

One-Call Notification Board Notice of Public Hearing to Adopt Rules

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, 8th and 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., to consider the adoption and amendment of proposed rules numbered

20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:02:01, language requiring that an annual meeting be held in March for the election of officers and the transaction of other business has been omitted.

Section 20:25:02:04 has been repealed.

Section 20:25:02:05 has been repealed.

In section 20:25:02:06, the title to the rule has been amended to add the ability to hire and contract. Language requiring that the officers be elected at the annual meeting and that they serve until the next election has been omitted. Language permitting the election of a chairperson and a secretary/treasurer has been added. Language permitting the board to designate the terms and duties of those positions has also been added. The rule has also been modified to permit the board to hire employees or contract with state agencies or private parties to carry out its duties, functions and powers.

In section 20:25:03:08, language permitting emergency tickets to be assigned to another excavator or excavators in resolving emergency situations has been added.

The reasons for the proposed rule changes are to eliminate the requirement that the board meet annually in March to elect officers, and instead allows the board to meet at a different time to elect officers and to set the term length of those positions. The rule changes also eliminate the language in the rules which defines the duties and functions of the chairperson and the secretary/treasurer, and instead allows the board to define the duties of those positions. The amendments are also intended to permit the board to hire or contract out its duties, functions and powers to employees or contract with state agencies or private parties. The modifications are also intended to allow excavators to assign emergency tickets to other excavators in order to deal more efficiently with emergency situations.

Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or by sending them to the One-Call Notification Board, % South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070. Material sent by mail must reach the Public Utilities Commission prior to the hearing to be considered.

After the hearing, the One-Call Notification Board will consider all written and oral comments it receives on the proposed rules. The One Call Notification Board may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Public Utilities Commission at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3201.

Copies of the proposed rules may be obtained without charge from the South Dakota Public Utilities Commission
State Capitol
500 East Capitol
Pierre, SD 57501-5070

The proposed rules may also be found on the Public Utilities Commission's home page at the following address: <http://www.state.sd.us/puc>.



Legislative Research Council

MEMORANDUM

Sen. Arnold M. Brown, Chair
Rep. Michael Derby, Vice Chair

James Fry, Director
Doug Decker, Code Counsel

August 24, 2001

TO: Rules Contacts
FROM: Doug Decker, Code Counsel *Doug*
RE: Rules Meeting

In order to facilitate the presentation of your rules to the interim Rules Review Committee at the meeting on September 10, 2001, please deliver eight copies of your rules in their current form to the Legislative Research Council no later than 5:00 p.m. on Thursday, September 6, 2001. **Please number the pages of your rules.** Also, you **must** have a representative present at the meeting to give background information on your rules.

Thank you for your cooperation in this matter. This procedure will expedite the presentation of your rules before the committee and give the committee members access to the best and most recent version of your rules.



Legislative Research Council

RULES REVIEW COMMITTEE AGENDA

Representative Orville Smidt, Chair
Senator Eric Bogue, Vice Chair

Two hundred twenty-third meeting
Monday
September 10, 2001

Room 413
State Capitol
Pierre, South Dakota

(Agencies are asked to have a representative present at the meeting to give background information on their rules.)

12:30 p.m. Call to order, roll call, approval of minutes, staff report

12:40 p.m. Review of proposed rules

Representative Smidt

Department of 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.

Senator Bogue

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.

Representative Lange

Office of Secretary of State – Change notary public application form, procedures for collecting voter registration information from county auditors, remove duplicate voter registrations, requests and prices for obtaining files for lists from statewide voter registration file.

Department of Health – Streamline process of recruiting international medical graduates to South Dakota.

South Dakota Investment Council – Implement Higher Education Savings Plan.

Senator McCracken

Department of Commerce and Regulation: 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 federal investment advisers and representatives, revise exemptions from registration for certain securities.

Department of Agriculture: Veterinary Medical Examining Board – Provide for veterinary livestock assistants.

Department of Agriculture: Animal Industry Board – Importing nondomestic animals to be released in South Dakota.

Department of Agriculture – Increase farmers' and ranchers' access to capital for investment in cooperatives.

Department of Agriculture: Value Added Finance Authority – Authorize additional source of financing for agricultural development.

Representative Michels

Department of Commerce and Regulation: Board of Counselor Examiners – Expand list of qualified supervisors, clarify supervision requirements, add to competency of qualified licensees, increase fees for initial license, renewals, and examination fees, assist licensees in finding compliant continuing education programs, compliance with Code of Ethics.

3:00 p.m. Adjournment

NOTE: To help agencies estimate when to appear before the committee, the agenda is set assuming a ten-minute presentation per rule. However, actual times may vary.

Members: Representative Orville Smidt, Chair; Senator Eric Bogue, Vice Chair; Senator H. Paul Dennert, Senator Royal "Mac" McCracken, Representative Gerald Lange, and Representative Matthew Michels.

NOTE: *Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605/773-3251) in advance of the meeting to make any necessary arrangements.*



All Legislative Research Council committee minutes and agendas are available on the South Dakota Legislature's Homepage (<http://legis.state.sd.us>). Subscribe to receive electronic notification of meeting schedules and the availability of agendas and minutes at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD MINUTES OF PUBLIC HEARING

Chairman Curt Pohl called the South Dakota One Call Notification Board rules hearing to order on August 27, 2001, at 11:00 A.M. on the Dakota Digital Network with video sites in Aberdeen, Brookings, Sioux Falls, Mitchell, Pierre, and Rapid City

Board Members in attendance forming a quorum: Todd Chambers, Kevin Kouba, Pat Gilligan, Tom Krueger, Curt Pohl, Paul Lowe, Eugene Solseth and Doug Bierschbach. Board Members absent: Ed Anderson, Doug Larson and Jerry Schroeder. Also in attendance: Larry Englerth, Executive Director of the South Dakota One Call Board; Dennis Davis, Executive Director of the South Dakota Association of Rural Water Systems and Reed McKee, NorthWestern Public Service.

The purpose of the meeting was to conduct a public hearing on the proposed rules of the board numbered ARSD 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08

Chairman Pohl introduced Kelly Frazier, Staff Attorney for the Public Utilities Commission as the Hearing Officer.

Hearing Officer Frazier summarized the purpose of the hearing and advised all present that the rules would be reviewed by section.

Hearing Officer Frazier read 20:25:02:01 and requested public comments relative to this rule change. No Public Comments were made.

Hearing Officer Frazier read 20:25:02:04 and requested public comments relative to this rule change. No Public Comments were made.

Hearing Officer Frazier read 20:25:02:05 and requested public comments relative to this rule change. No Public Comments were made.

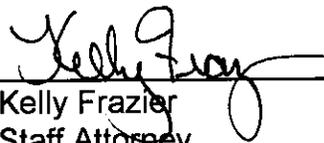
Hearing Officer Frazier read 20:25:02:06 and requested public comments relative to this rule change. No Public Comments were made.

Hearing Officer Frazier read 20:25:03:08(2) and requested public comments relative to this rule change. Dennis Davis, Executive Director of the South Dakota Association of Rural Water Systems, spoke in favor of the rule change and supported the adoption of this change. No other public comments were received.

Hearing Officer Frazier stated that written comments would be received for ten days. These responses should be mailed to Kelly Frazier, Staff Attorney, Public Utilities Commission, 500 East Capitol Avenue, Pierre, SD 57501

A motion was made by Paul Lowe and seconded by Todd Chambers to adjourn the hearing. Motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kelly Frazier", is written over a horizontal line.

Kelly Frazier
Staff Attorney
South Dakota Public Utilities Commission

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

AFFIDAVIT

I, Delaine Kolbo, hereby certify that on September 28, 2001, I mailed a full, true, and correct copy of the following rules adopted by the One Call Notification Board on September 27, 2001, together with a copy of the minutes of the public hearing and written comments, to the members of the Interim Rules Review Committee, listed below, at their respective post office addresses:

Proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05,
20:25:02:06 and 20:25:03:08.

The Honorable Orville Smidt, Chair
State Representative
117 Fourth Street
Brookings, SD 57006-1915

The Honorable Eric Bogue, Vice Chair
State Senator
P. O. Box 250
Faith, SD 57626-0250

The Honorable Gerald F. Lange
State Representative
RR 3, Box 109
Madison, SD 57042-9342

The Honorable H. Paul Dennert
State Senator
11853 391st Avenue
Columbia, SD 57433-7002

The Honorable Matthew Michels
State Representative
1213 Walnut Street
Yankton, SD 57078

The Honorable Royal "Mac" McCracken
State Senator
3120 Flint Drive
Rapid City, SD 57702

Subscribed and sworn to
before me this 28th day
of September, 2001.


Notary Public - South Dakota


Delaine Kolbo

(SEAL)

My Commission Expires
_____, 20__.

My Commission Expires
January 9, 2007

IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

APPROVAL OF RULES

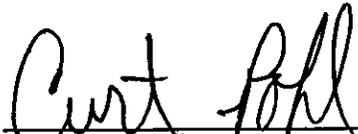
Following public hearing held on August 27, 2001, the following rules are approved and will become effective twenty days after filing with the Secretary of State.

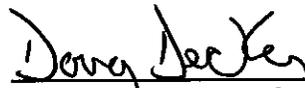
Proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05, 20:25:02:06 and 20:25:03:08.

Date: Sept. 27, 2001

Date 10/4/01

ONE CALL NOTIFICATION BOARD


Curt Pohl, Chairman


LEGISLATIVE RESEARCH COUNCIL
(for legality and for form and style)

Todd Chambers


Ed Anderson


Kevin Kouba


Pat Gilligan


Jerry Schroeder


Doug Larson

RECEIVED

OCT 04 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Tom Krueger

Doug Bierschbach

Doug Bierschbach

Eugene Solseth

Eugene Solseth

Paul Lowe

Paul Lowe

**CHAPTER 20:25:02
GENERAL PROVISIONS**

Section

- 20:25:02:01. Board Meetings and quorum.
- 20:25:02:02. Board meeting via telephone conference.
- 20:25:02:03. Voting.
- 20:25:02:04. ~~Duties of the chair~~ Repealed.
- 20:25:02:05. ~~Duties of the secretary/treasurer~~ Repealed.
- 20:25:02:06. Election of officers - Ability to hire and contract.
- 20:25:02:07. Removal of officers.
- 20:25:02:08. Filling vacant office.

20:25:02:01. Board Meetings and quorum. ~~The board shall hold its annual meeting for the election of officers and the transaction of other business in March. At other times meetings~~A meeting may be held on call of the chair or on written request of two or more members of the board. A majority of the board constitutes a quorum for the transaction of business.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-3.

20:25:02:04. Duties of the chair. ~~The chair shall preside at all meetings be the board's contact with the center, draft board meetings agendas, and perform other duties as directed by the board. In the absence of the chair, a majority of the board shall designate a board member to act as chair~~ Repealed.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

General Authority: ~~SDCL 49-7A-4.~~

~~Law Implemented: SDCL 49-7A-2, 49-7A-3.~~

~~20:25:02:05. Duties of the secretary/treasurer. The secretary/treasurer is in charge of the business and transactions of the board. The secretary/treasurer shall assemble and present to the board monthly financial statements, an annual report of the board's receipts and expenditures and a complete statement of the board's work during the year. The secretary/treasurer shall also perform other duties as directed by the board~~ Repealed.

Source: 21 SDR 27, effective August 21, 1994; 24 SDR 30, effective September 14, 1997.

~~General Authority: SDCL 49-7A-4.~~

~~Law Implemented: SDCL 49-7A-2, 49-7A-3.~~

20:25:02:06. Election of officers - Ability to hire and contract. The board shall elect officers annually by a majority vote of the board. Officers shall hold office until the next election of officers one of its members as chairperson and another as secretary/treasurer, for such terms and with such duties and powers as the board considers necessary for the performance of the functions of those offices.

In carrying out the duties, functions, and powers of the board, the board may hire employees or contract with any state agency or private party for the performance of such duties, functions, and powers as the board considers appropriate.

Source: 21 SDR 27, effective August 21, 1994.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-3.

20:25:03:08. Ticket standards. Tickets shall be prepared by the one-call notification center in the following manner:

(1) Statements of time on tickets shall be entered as central standard time or central daylight time when it is in effect;

(2) Emergency tickets issued to the facility operator with the emergency condition may be assigned to an excavator assisting in resolving an emergency situation, all other Tickets tickets shall be issued in the excavator's name who may not transfer or assign them;

(3) A separate ticket shall be issued for each excavation site;

(4) On a continuous job site, a ticket shall be issued for the right of way of each separate road, street, avenue, or identified continuous easement;

(5) A modified ticket may be issued if the excavator determines that the excavator provided inaccurate information on the original request. Upon its issuance the modified ticket supersedes the original ticket. The start time on the modified ticket is two working days from the issuance of the modified ticket; and

(6) A modified ticket may be issued if the excavator, one call notification center or the operator determine that the one call notification center entered inaccurate information on the original request or the operator provided inaccurate marking at the original excavation site. The start time on the modified ticket is four hours from the notification time as stated on the modified ticket or the start time of the original ticket, whichever is later.

Source: 26 SDR, effective June 8, 2000.

General Authority: SDCL 49-7A-4.

Law Implemented: SDCL 49-7A-2, 49-7A-5, 49-7A-8.

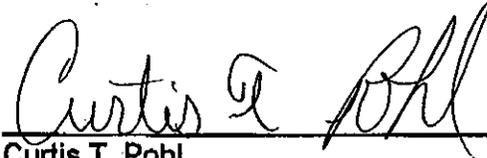
IN THE MATTER OF THE
PROMULGATION OF
ADMINISTRATIVE RULES

CERTIFICATE

I, Curtis T. Pohl, hereby certify that I am a duly appointed member and the duly elected chair of the One Call Notification Board and that the attached instruments are full, true, and correct copies of the following rules adopted by the One Call Notification Board on September 27, 2001.

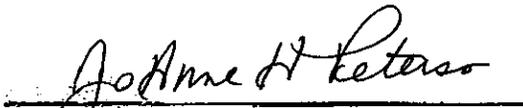
Proposed revised rules: §§ 20:25:02:01, 20:25:02:04, 20:25:02:05,
20:25:02:06 and 20:25:03:08.

I further certify that SDCL 1-26-4 and 1-26-6 were complied with in the adoption of these rules. These rules will become effective twenty days after filing with the Secretary of State.



Curtis T. Pohl
One Call Notification Board

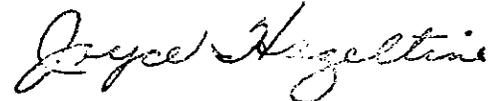
Subscribed and sworn to
before me this 4th day
of October, 2001.


Notary Public - South Dakota

(SEAL)

My Commission Expires
5/29, 2004

Filed this 9th day of
October, 2001



SECRETARY OF STATE