

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., March 14, 2011

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

Department of Public Safety: Office of the State Fire Marshal: (March 10, 2011) intends to amend rules to adopt the 2009 edition of the International Building, Fire, and Mechanical Codes as the fire safety standards for the Department of Public Safety. The general authority for these rules, as cited by the department, is SDCL 13-25-2 and 34-29B-2.

A public hearing will be held in the second floor Conference Room, Public Safety Building, Pierre, South Dakota, on April 12, 2011, at 10:00 a.m. A copy of the proposed rules may be obtained without charge from and written comments sent to the Department of Public Safety, Office of the State Fire Marshal, 118 West Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by the State Fire Marshal's Office by April 22, 2011, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3178 at least 48 hours before the hearing.

Department of Agriculture: SD Weed & Pest Control Commission: (March 11, 2011) intends to amend a rule to add flowering rush to the local noxious weed and declared pest list. The general authority for this rule, as cited by the department, is SDCL 38-22-9 and 38-22-11.1.

A public hearing will be held in LRC 1 & 2, Third Floor of the Capitol Building, 500 E. Capitol Avenue, Pierre, South Dakota, on April 21, 2011, at 1:00 p.m. Copies of the proposed rule may be obtained from and written

comments sent to the South Dakota Department of Agriculture, Division of Agricultural Services, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by April 20, 2011, to be considered. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3796 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

General Timothy A. Reisch, Howard, was appointed on March 3, 2011, to the position of Adjutant General, effective April 2, 2011.

Timothy J. Kessler, Aberdeen, was appointed on March 4, 2011, to the **Board of Economic Development**, to replace Dave Bozied, effective March 3, 2011, and shall continue until April 19, 2012.

Michael S. Bender, Sioux Falls, was appointed on March 7, 2011, to the **South Dakota Ellsworth Development Authority**, to replace Mark Johnston, effective March 4, 2011, and shall continue until January 16, 2012.

Patrick J. Burchill, Rapid City, was appointed on March 7, 2011, to the **South Dakota Ellsworth Development Authority**, to replace Glen Kane, effective March 4, 2011, and shall continue until January 19, 2015.

Kenneth G. McNenny, Sturgis, was appointed on March 7, 2011, to the **South Dakota Ellsworth Development Authority**, to replace

Bruce Rampelberg, effective March 4, 2011, and shall continue until January 16, 2012.

Dennis Eisnach, Pierre, was reappointed on March 8, 2011, to the **South Dakota Real Estate Commission**, effective April 12, 2011, and shall continue until April 11, 2014.

David S. Pummel, Belle Fourche, was appointed on March 8, 2011, to the **Housing Development Authority**, to replace Bruce Rampelberg, effective March 7, 2011, and shall continue until June 30, 2013.

Robert M. Benson, Winner, was reappointed on March 9, 2011, to the **Transportation Commission**, effective April 19, 2011, and shall continue until April 18, 2015.

Ralph J. Marquardt, Yankton, was reappointed on March 9, 2011, to the **Transportation Commission**, effective April 19, 2011, and shall continue until April 18, 2015.

Jerry J. Shoener, Rapid City, was reappointed on March 9, 2011, to the **Transportation Commission**, effective April 19, 2011, and shall continue until April 18, 2015.

Daniel L. Cotton, Beresford, was reappointed on March 10, 2011, to the **South Dakota Railroad Authority**, effective immediately and shall continue until January 19, 2015.

J. D. Geigle, Spearfish, was appointed on March 10, 2011, to the **South Dakota Public Safety Communications Council**, to replace Kurt Klunder, effective March 9, 2011, and shall continue until June 30, 2013.

Thomas L. Greenway, Mitchell, was appointed on March 10, 2011, to the **South Dakota Railroad Authority**, to replace Marc Goldhammer, effective March 9, 2011, and shall continue until January 20, 2014.

Douglas J. Hajek, Sioux Falls, was appointed on March 10, 2011, to the **South Dakota Building Authority**, to replace Doug Sharp, effective March 4, 2011, and shall continue until January 18, 2015.

Dennis Neugebauer, Sioux Falls, was reappointed on March 10, 2011, to the **South Dakota Building Authority**, effective immediately and shall continue until January 18, 2015.

Scott G. Stern, Freeman, was reappointed on March 10, 2011, to the **South Dakota Railroad Authority**, effective immediately and shall continue until January 19, 2015.

Executive Orders:

The Governor has signed **Executive Order 2011-03** dated January 26, 2011. This order creates the "Governor's Reentry Council" to address the problems inmates face upon release from prison and the problems relating to recidivism of offenders after release. The Department of Corrections is the lead agency for the Council. The Council consists of the Departments of Education, Labor and Regulation, Health, Human Services, Military, Veterans Affairs, Social Services, and Tribal Relations. The Council will report its findings and recommendations annually to the Governor for possible executive and legislative action.

The Governor has signed **Executive Order 2011-04** dated March 10, 2011. In anticipation of potential wildland fires in the Black Hills, this order grants authority to the South Dakota Division of Wildland Fire Suppression to augment its firefighting response efforts with the assets of the South Dakota National Guard for the 2011 fire season running from April 1 through October 31.

The Governor has signed **Executive Order 2011-05** dated March 11, 2011. The Governor has declared a state of emergency to exist in South Dakota due to heavy snowfall throughout

the winter which may cause widespread flooding and damage to road infrastructure.

Legislative Appointment:

Senator Jean M. Hunhoff was appointed on March 11, 2011, to the **South Dakota Risk Pool Advisory Panel**, effective immediately and shall continue until January 1, 2013.

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

3-15-2011	Health: Board of Pharmacy	Adopt Prescription Drug Monitoring Program rules to establish requirements for a data base of controlled substance prescriptions dispensed to South Dakota residents; 37 SDR 157.
3-17-2011	Revenue and Regulation: Division of Insurance	Amend rules to require agents to complete application and replacement forms for Medicare supplement insurance; change the time extension associated with continuing education requirements; require agents to complete application and replacement forms for long term care policies; change a cross reference in the law implemented relating to disclosure requirements for limited benefit health insurance plans; adopt standards requiring parity between medical/surgical benefits and mental health or substance use disorder benefits in connection with a group health plan; require reports, set standards for determinations of disproportionate share, and clarify underwriting practices for health insurance issued to persons under the age of 19; 37 SDR 157.
3-22-2011	Social Services: Child Protection Services	Amend rules to repeal obsolete rules, remove obsolete references, update terminology, clarify confidentiality policy, align regulations associated with adoption petitions with current statutory requirements, update and clarify standards related to adoption, foster care, and alternative care, remove certain reporting requirements for adoptive parents, provide for the suspension of an adoption subsidy under certain circumstances, clarify the definition and scope of child protective services, update the composition of the permanency planning review team, outline dispositional hearing

		requirements and amend the timeframe in which such hearings are held, provide notification of an adoptive applicant's right to a fair hearing, and require annual updates on adoptive home studies; 37 SDR 151.
3-25-2011	Revenue and Regulation: South Dakota Lottery Commission	Amend Video Lottery Requirements rules to allow the Lottery to collect the new machine license fee during one of the two monthly billing periods rather than once a month; allow for various types of communication between the video lottery machines in establishments and the central computer system; all operators to maintain audit information, including duplicates of tickets, in an electronic or paper format and identify the audit information that must be retained; allow the Lottery to provide operators billing statements by other means than just mail; allow manufacturers and Type II technicians, pursuant to a certain protocol, to clear electronic accounting meters after notice to the Lottery; allow the Lottery to use discretion on whether to require manufacturers to submit various documents during the video lottery machine and associated equipment testing and approval process; allow video lottery machines to maintain copies of tickets in either a paper format within the machine or in an electronic format on a self contained internal or external median; allow a "symbol" to be used in approved video lottery games and require randomness testing concerning their use; make it optional for a game to offer a player the chance to select numbers or symbols, require that all lines are clearly identified when playing additional lines bought into play by wagering additional credits and allow other specified shapes to be a winning combination other than a vertical, horizontal, or diagonal line; require hard meter readings of a machine before moving it between locations in the state or shipping a machine out of state; repeal a requirement that certain individuals become Type I or Type II technicians by November 15, 1995; and require that software access points on video lottery machines be sealed after initial inspection; 37 SDR 161.

4-12-2011	Public Safety: Office of the State Fire Marshal	Amend rules to adopt the 2009 edition of the International Building, Fire, and Mechanical Codes as the fire safety standards for the Department of Public Safety; 37 SDR 165.
4-21-2011	Agriculture: SD Weed & Pest Control Commission	Amend a rule to add flowering rush to the local noxious weed and declared pest list; 37 SDR 165.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, March 29, 2011, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2011 interim: May 10, June 7, July 12, August 30, September 27, November 15, and December 12.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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