

# REGISTER



## South Dakota Legislative Research Council

Volume 33

Monday, 8:00 a.m., March 19, 2007

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

***Department of Environment and Natural Resources: Board of Minerals and***

***Environment:*** (March 14, 2007) has filed rules to amend air pollution control program rules to comply with revision to the federal regulations. The general authority for these rules, as cited by the board, is SDCL 34A-1-6 and 34A-1-18.

A public hearing will be held at the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota on April 19, 2007, at 10:15 a.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to Kyrik Rombough, Natural Resources Engineering Specialist, Department of Environment and Natural Resources, 523 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by April 18, 2007, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3151 at least 48 hours before the public hearing.

***Department of Labor: South Dakota***

***Retirement System:*** (March 15, 2007) is proposing to amend rules to limit the refund of contributions after a stream of benefit payments in certain circumstances, to reconfigure the process of administrative appeals, to allow the refund of contributions in certain circumstances, to provide for administration of service purchase contracts during administrative leave, to confirm

that member service coincides with employer report dates, to rectify legal provisions regarding termination of a period of disability in certain circumstances, to remove the need for a special board appointment in certain circumstances, to conform with federal law regarding rollovers of beneficiary payments, to clarify certain aspects of participation by elected officials, to conform with federal law regarding benefit payment limits, to conform with federal law regarding certain payouts, to clarify the legality of certain eligible retirement plans, to clarify the order of certain beneficiary payments, and to allow certain legal assignment of benefits. The general authority for these rules, as cited by the board, is SDCL 1-26-15, 3-12-58, 3-12-89.1, 3-13A-4, 3-13-49, and 3-13-54.

A public hearing will be held in the Large Conference Room at the Holiday Inn Express, 110 East Stanley, Fort Pierre, South Dakota, on April 5, 2007, at 1:00 p.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501-1098. Material sent by mail must be received by April 4, 2007, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3731 at least 48 hours before the hearing.

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

**DEPARTMENT OF SOCIAL SERVICES:**

**CHILD CARE SERVICES:** 67:47:01:03.01, 67:47:01:08, 67:47:01:08.01, 67:47:01:10 to 67:47:01:10.04, inclusive, 67:47:01:11.01, 67:47:01:13, 67:47:01:14; 67:47:02:06 to 67:47:02:09.04, inclusive; 67:47:03:02, 67:47:03:08 to 67:47:03:14, inclusive, 67:47:03:20 to 67:47:03:22, inclusive, and 67:47:03:25.

History-Notice: 33 SDR 105, Dec. 11, 2006  
 Hearing: January 2, 2007  
 Filed: March 15, 2007  
 Effective: April 4, 2007

**DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:**

24:06:07:02 to 24:06:07:04, inclusive, 24:06:07:06, 24:06:07:07; 24:06:08:01 to 24:06:08:05, inclusive; 24:15:07:01 to 24:15:07:04, inclusive; and 24:43:05:02.

History-Notice: 33 SDR 123, January 8, 2007  
 Hearing: January 22, 2007  
 Filed: March 16, 2007  
 Effective: April 5, 2007

**Executive Appointment:**

**James O. Hansen**, Pierre, was reappointed on March 15, 2007, to the **State Board of Regents**, effective immediately and shall continue until March 31, 2013.

**Executive Order:**

The Governor has signed **Executive Order 2007-05** dated March 14, 2007, which creates the South Dakota Public Safety Communication Council (SDPSCC) consisting of various state and local law enforcement agencies, associations, departments, and other emergency first responders. The purpose of the SDPSCC is to help determine policy and standard practice for a comprehensive and coordinated statewide emergency communications network. The SDPSCC will be administered through the South Dakota Bureau of Information and Telecommunications.

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**

3-28-2007	Health	Amend rules to add cystic fibrosis (CF) to the mandated newborn screening panel and to defer the timing of collection for repeat newborn screening specimens due to transfusions to the designated laboratory testing protocols; 33 SDR 143.
4-2-2007	Agriculture	Amend the <i>SOUTH DAKOTA CERTIFIED™</i> rules including: provide the necessary rules to establish the <i>SOUTH DAKOTA CERTIFIED™</i> natural beef program and the <i>SOUTH DAKOTA CERTIFIED ENROLLED</i>

		<i>CATTLE</i> <sup>TM</sup> natural program; the specific natural processing requirements, limitations and definitions for beef ; the specific natural feeding requirements, limitations and definitions for cattle; and the limitations for hormones and antibiotics; 33 SDR 147.
4-5-2007	Labor: Retirement System	Amend rules to limit the refund of contributions after a stream of benefit payments in certain circumstances, to reconfigure the process of administrative appeals, to allow the refund of contributions in certain circumstances, to provide for administration of service purchase contracts during administrative leave, to confirm that member service coincides with employer report dates, to rectify legal provisions regarding termination of a period of disability in certain circumstances, to remove the need for a special board appointment in certain circumstances, to conform with federal law regarding rollovers of beneficiary payments, to clarify certain aspects of participation by elected officials, to conform with federal law regarding benefit payment limits, to conform with federal law regarding certain payouts, to clarify the legality of certain eligible retirement plans, to clarify the order of certain beneficiary payments, and to allow certain legal assignment of benefits; 33 SDR 151.
4-19-2007	Environment and Natural Resources: Board of Minerals and Environment	Amend air pollution control program rules to comply with revision to the federal regulations; 33 SDR 151.

### **RULES REVIEW COMMITTEE MEETINGS**

The 2007 interim meeting schedule for the Interim Rules Review Committee will be set by the chair at the end of the Eighty-second Legislative Session (March 26, 2007). Watch for a notice of these meeting dates in the Register and on the LRC website.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

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