

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., March 31, 2014

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

Department of Labor and Regulation: South Dakota Electrical Commission: (March 26, 2014) intends to amend rules to adopt the 2014 National Electrical Code and update the references to the 2012 International Building Code; clarify a statutory reference regarding the maintenance electrical license; document the changes to allowable continuing education courses and the number of hours allowed; add the ability to final void an installation at the time of a rough-in or final inspection with notice of non-compliance to the owner; change the bonding inspection notification requirement for swimming pools; clarify the definition of patient care space; require tamper resistant receptacle protection be utilized in residential housing units moved to new locations; repeal a rule that requires specific wiring methods for seasonal dwelling; and adopt rules regarding the undertaking fund. The general authority for these rules, as cited by the commission, is SDCL §§ 36-16-12, 36-16-13.2, 36-16-20, and 36-16-30.

A public hearing will be held in Room 413, 4th floor, State Capitol, Pierre, South Dakota, on April 17, 2014, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the State Electrical Commission, 308 S. Pierre Street, Pierre, South Dakota 57501. Written comments must be received by April 16, 2014, to be considered. Copies of the rules may also be obtained on the commission's website at electrical.sd.gov. This hearing is being held in a physically accessible place. Persons who have special needs for which

the commission can make arrangements are asked to call (605) 773-3573 at least 48 hours before the hearing.

NOTICE:

The **South Dakota Lottery** is ending instant ticket game number 437 – The Money Game. The last day that prizes will be paid for this game is September 17, 2014.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:56:02 and 41:06:56:03.

History-Notice: 40 SDR 119, Dec. 16, 2013
Hearing: January 9, 2014
Filed: January 22, 2014
Effective: February 11, 2014

Executive Appointments:

Michael D. Albertson, Rapid City, was appointed on March 25, 2014, to the **Board of Technical Professions**, to replace Hani F. Shafai, effective April 15, 2014, and shall continue until April 14, 2017.

Dennis B. Micko, Estelline, was reappointed on March 25, 2014, to the **Board of Technical Professions**, effective April 15, 2014, and shall continue until April 14, 2017.

Jeffrey J. Nelson, Crooks, was reappointed on March 25, 2014, to the **Board of Technical Professions**, effective April 15, 2014, and shall continue until April 14, 2017.

John Peters, Spearfish, was appointed on March 25, 2014, to the **Board of Technical Professions**, to replace Randy Bacon, effective April 15, 2014, and shall continue until April 14, 2017.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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

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| 4-3-2014 | Labor and Regulation: SD Retirement System | Amend rules to place the former State Cement Plant Retirement Plan under the authority of the chapter governing the South Dakota Retirement System; repeal two plans that no longer have any members; revise certain provisions of the remaining plans in accordance with the provisions of Senate Bill 152 of the 2014 Legislature; and provide a current reference date for the Internal Revenue Code to incorporate the current federal requirements; 40 SDR 165. |
| 4-3-2014 | Game, Fish and Parks | Amend a Sandhill Crane Hunting Season rule to increase the possession limit as approved by the U.S. Fish and Wildlife Service; amend an Archery Deer Hunting Season rule to move the starting date from the fourth Saturday of September to the second Saturday of September and eliminate that portion of the season which runs from January 1-15; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available and to modify the boundary of Unit 7 to remove that portion of the unit east of Interstate 90; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available; amend a Custer State Park Early Archery Elk Hunting Season rule to adjust the number of licenses available; amend a Mourning Dove Hunting Season rule to increase the possession limit as approved by the U.S. Fish and Wildlife Service; amend an Archery Elk Hunting Season rule to adjust the number of licenses available and to modify the boundary of Unit 7 to remove that portion of the unit east of Interstate 90; and amend a Prairie Elk Hunting |

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| | | Season rule to adjust the number of licenses available, modify the boundary of Unit 9 to add two hunting areas located east of Interstate 90, and adjust the season dates for Unit 9 from September 15-October 31 and December 1-15 to September 15-October 31 and December 1-31; 40 SDR 166. |
| 4-9-2014 | SD Investment Council | Amend a rule to cause the program management agreement for the higher education savings plan to refer to the most recent amendment to the IRS code that affects all higher education savings plans; 40 SDR 165. |
| 4-9-2014 | SD Investment Council | Amend rules to combine three sections of rules for banks, associations, and other qualified public depositories into one section. The minimum allocation will be updated from \$100,000 to equal the current FDIC deposit insurance limit; clarify that collateralization is required for the allocation amount in excess of deposit insurance; repeal the requirement that allocations will be determined from the summer call report and be completed by December 1; and refer to savings and loan associations as associations; 40 SDR 165. |
| 4-17-2014 | Environment and Natural Resources: Board of Minerals and Environment | Amend Contested Case Procedure rules to specify the conditions when a board member may not participate in a contested case hearing; 40 SDR 166. |
| 4-17-2014 | Labor and Regulation: SD Electrical Commission | Amend rules to adopt the 2014 National Electrical Code and update the references to the 2012 International Building Code; clarify a statutory reference regarding the maintenance electrical license; document the changes to allowable continuing education courses and the number of hours allowed; add the ability to final void an installation at the time of a rough-in or final inspection with notice of non-compliance to the owner; change the bonding inspection notification requirement for swimming pools; clarify the definition of patient care space; require tamper resistant receptacle protection be utilized in residential housing units moved to new locations; repeal a rule that requires specific wiring methods for seasonal dwelling; and adopt rules regarding the undertaking fund; 40 SDR 175. |

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, May 6, 2014, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: June 3, July 8, August 12, September 16, November 12, and December 16.

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