

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., April 18, 2011

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

Department of Health: Health Systems Development and Regulation: (April 12, 2011) intends to amend rules to allow employing facilities and physicians with a J-1 Visa more flexibility in scheduling work hours, to have applications submitted by facilities in an order that follows the federal guidelines, and to allow applications and additional information to be sent between parties by other means as approved by the department. The general authority for these rules, as cited by the department, is SDCL 36-2-22.

A public hearing will be held at the Hayes Building, Room 107, 600 East Capitol Avenue, Pierre, South Dakota, on May 9, 2011, at 11:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website: <http://doh.sd.gov/News>. Material sent by mail must reach the department by May 19, 2011, 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) 773-3361 at least 48 hours before the hearing.

Department of Game, Fish and Parks: (April 13, 2011) intends to amend a General Provisions rule to eliminate definitions for "mule buck any whitetail", "'A' license", and "'R' license", and establish definitions for

"agricultural purposes", "operate", and "owner-operator"; and amend Application for License rules to provide consistency in language used to describe "landowner preference" licenses; clarify landowner preference license eligibility requirements and restrictions for landowners, tenants and employees; and clarify landowner preference license eligibility requirements and restrictions for persons who own an interest in legal entities which hold title to agricultural land (shareholders of corporations, members of limited liability companies, partners in a partnership, and trust beneficiaries). The general authority for these rules, as cited by the department, is SDCL 41-2-18 and 41-6-21.

A public hearing will be held at the Creekside Lodge located next to the State Game Lodge in Custer State Park, 13389 US Highway 16A, Custer, South Dakota, on May 5, 2011, at 2:00 p.m. (MDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to chuck.schlueter@state.sd.us. All written and email comments must include the commenter's name and address. 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) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

Cheryle Gering, Freeman, was appointed on April 11, 2011, as **Judge of the First Judicial Circuit Court of South Dakota**, to replace Judge Arthur Rusch, effective immediately upon taking the oath of office and shall continue until December 31, 2014.

Executive Order:

The Governor has signed **Executive Order 2011-07** dated April 11, 2011. The Order designates the South Dakota Nonprofit Association (SDNA) to be the South Dakota

Commission for National and Community Service. If the SDNA accepts the appointment, the SDNA will be eligible to apply for federal money to promote volunteerism.

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

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.
4-21-2011	Labor: SD Electrical Commission	Amend rules to adopt the 2011 National Electrical Code (the "2011 NEC"); define terms; determine the passing examination score for a Class B Electrician; clarify the terminology for an application for licensure; remove the terminology of "industrial"; clarify the standards and documentation required to attain levels of licensure; implement rule allowing for the recovery of costs; removal of 30 days grace period in regards to reinstatement fee for lapsed licenses; document the changes to allowable continuing education courses and the number of hours allowed; removal of requirement to print courses in newsletter; addition of the word "calculated" when considering the requirement for a permit; address fee administration for wiring permits and inspections; document the inspection notification process; clarify the state license required to attain a municipal license; repealing of a rule requiring ground fault circuit interrupter near wash basins as it is required in the 2011 NEC; and addressing an incorrect reference as to the permit

		requirement for cogeneration systems; 37 SDR 181.
4-28-2011	Transportation	Amend a speed zone in the town of Gregory in Gregory County on South Dakota Highway 47 to reduce the speed limits on a segment of highway; 37 SDR 181.
5-5-2011	Game, Fish and Parks	Amend a General Provisions rule to eliminate definitions for "mule buck any whitetail", "A' license", and "R' license", and establish definitions for "agricultural purposes", "operate", and "owner-operator"; and amend Application for License rules to provide consistency in language used to describe "landowner preference" licenses; clarify landowner preference license eligibility requirements and restrictions for landowners, tenants and employees; and clarify landowner preference license eligibility requirements and restrictions for persons who own an interest in legal entities which hold title to agricultural land (shareholders of corporations, members of limited liability companies, partners in a partnership, and trust beneficiaries); 37 SDR 191.
5-9-2011	Health: Division of Health Systems Development and Regulation	Amend rules to allow employing facilities and physicians with a J-1 Visa more flexibility in scheduling work hours, to have applications submitted by facilities in an order that follows the federal guidelines, and to allow applications and additional information to be sent between parties by other means as approved by the department; 37 SDR 191.
5-12-2011	Health: SD Board of Funeral Service	Amend 20:45:03:02 to allow students who are currently enrolled in an accredited Mortuary Science Program perform the same duties as a trainee and amend 20:45:03:03 to require some coursework in each area but not specify the exact amount; 37 SDR 181.
5-16-2011	Education: Board of Education	Repeal rules to eliminate unnecessary language regarding school district general fund balances due to the repeal of statutes for excess general fund balance calculations; 37 SDR 187.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 10, 2011. The committee chair has set the following tentative meeting schedule for the 2011 interim: 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>.