

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., May 1, 2017

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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: Division of Insurance: (April 25, 2017) intends to amend rules to update sources referenced in rule; incorporate the 2017 Medicare coverage amounts; and require continuing education courses to renew their approval with the Division every five years. The general authority for these rules, as cited by the department, is SDCL §§ 58-3-11, 58-3-26, 58-4-48, 58-6-75, 58-26-13.1, 58-26-46, 58-27-7, 58-27-108, and 58-30-117.

A public hearing will be held in the West River Conference Room, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota, on May 15, 2017, at 2:00 p.m. Paper copies of the proposed rule may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 124 S. Euclid Ave., 2nd Floor, Pierre, SD 57501. The text of the proposed rule will be posted on the department's website: http://dlr.sd.gov/insurance/admin_rules/public_hearings.aspx. The rule may also be obtained as a Microsoft Word attachment by emailing mallori.barnett@state.sd.us. The comment period will remain open for ten days following the public hearing and will close on May 25, 2017. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements for are asked to call (605) 773-3563 at least 48 hours before the

hearing.

Department of Labor and Regulation: Division of Labor and Management: (April 25, 2017) is proposing to amend rules to revise the procedure for employee representative elections and revise the workers' compensation fee schedule. The general authority for these rules, as cited by the department, is SDCL §§ 3-18-6 and 62-7-8.

A public hearing will be held in the Sharpe Conference Room, Missouri River Plaza, 123 W. Missouri Avenue, Pierre, South Dakota, on May 15, 2017, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Labor and Regulation, Division of Labor and Management, 123 W. Missouri Ave., Pierre, SD 57501. The text of the proposed rules is posted on the department's website:

<http://dlr.sd.gov/workerscomp/proposedadmrule.s.aspx>. A copy of the rules may also be obtained by emailing james.marsh@state.sd.us. The comment period will remain open for ten days following the public hearing and will close on May 25, 2017. Persons who have special needs for which the division can make arrangements for are asked to call (605) 773-3681 at least 48 hours before the hearing.

Office of the Attorney General: Law Enforcement Officers Standards and Training Commission: (April 27, 2017) intends to adopt an EMERGENCY rule to provide for the appointment of law enforcement officers on a temporary basis in order to respond to an emergency. The general authority for this rule, as cited by the department, is SDCL §§ 23-3-41 and 23-3-35.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:**Executive Appointments:**

Karl Fischer, Ft. Pierre, was reappointed on April 12, 2017, to the **South Dakota Commission on Gaming**, effective April 16, 2017, and shall continue until April 14, 2020.

Duane R. Mergen, Sioux Falls, was reappointed on April 12, 2017, to the **State Electrical Commission**, effective April 15, 2017, and shall continue until April 14, 2020.

Mark S. Roby, Watertown, was reappointed on April 12, 2017, to the **Commission on Judicial Qualifications**, effective July 31, 2017, and shall continue until June 30, 2021.

Rodney W. Fouberg, Aberdeen, was reappointed on April 13, 2017, to the **Transportation Commission**, effective immediately and shall continue until April 18, 2021.

Donald L. Roby, Watertown, was reappointed on April 13, 2017, to the **Transportation Commission**, effective April 19, 2017, and shall continue until April 18, 2021.

Michael D. Albertson, Rapid City, was reappointed on April 20, 2017, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2020.

Yvon J. Burtz, Winner, was reappointed on April 20, 2017, to the **Abstracters' Board of Examiners**, effective immediately and shall continue until April 1, 2020.

Dale Clement, Rapid City, was reappointed on April 20, 2017, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2021.

Jeffery A. Erickson, Sioux Falls, was reappointed on April 20, 2017, to the **Board of**

Economic Development, effective immediately and shall continue until April 19, 2021.

Gene L. Jones, Jr., Sioux Falls, was reappointed on April 20, 2017, to the **Board of Water and Natural Resources**, effective July 1, 2017, and shall continue until June 30, 2021.

David Kallemeyn, Rapid City, was reappointed on April 20, 2017, to the **Petroleum Release Compensation Board**, effective May 2, 2017, and shall continue until May 1, 2022.

Rachel Kippley, Aberdeen, was appointed on April 20, 2017, to the **South Dakota 911 Coordination Board**, to replace Gary Jaeger, effective immediately and shall continue until June 30, 2018.

Dennis P. Landguth, Rapid City, was reappointed on April 20, 2017, to the **Board of Minerals and Environment**, effective July 1, 2017, and shall continue until June 30, 2021.

Michael V. Luken, Watertown, was reappointed on April 20, 2017, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2021.

Donald Meyers, Mitchell, was reappointed on April 20, 2017, to the **Petroleum Release Compensation Board**, effective May 2, 2017, and shall continue until May 1, 2022.

Dennis B. Micko, Estelline, was reappointed on April 20, 2017, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2020.

Jeffrey J. Nelson, Crooks, was reappointed on April 20, 2017, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2020.

Kari Williams, Pierre, was reappointed on April 20, 2017, to the **Board of Internal Control**, effective immediately and shall

continue until March 29, 2020.

Joan Wink, Howes, was appointed on April 20, 2017, to the **State Board of Regents**, to replace Kathy Johnson, effective immediately and shall continue until March 31, 2023.

Liza Clark, Pierre, was appointed on April 21, 2017, to the **Board of Internal Control**, to replace Jim Terwilliger, effective immediately.

Everett E. Hoyt, Rapid City, was reappointed on April 21, 2017, to the **Water Management Board**, effective July 1, 2017, and shall continue until June 30, 2021.

Lori Little, Spearfish, was reappointed on April 21, 2017, to the **Cosmetology Commission**, effective immediately and shall continue until April 14, 2020.

John Peters, Spearfish, was reappointed on April 21, 2017, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2020.

Bradley Tennant, Aberdeen, was reappointed on April 21, 2017, to the **State Historical Society Board of Trustees**, effective immediately and shall continue until April 15, 2020.

Tom D. Tobin, Winner, was reappointed on April 21, 2017, to the **State Historical Society Board of Trustees**, effective immediately and shall continue until April 15, 2020.

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

<p>5-4-2017</p>	<p>Department of Labor and Regulation: SD Electrical Commission: Amend rules to adopt the 2017 National Electrical Code (the "2017 NEC") and update the reference to the 2015 International Building Code (the "2015 IBC"); update definitions; document the requirement to hold a license to gain experience; clarify that a federal employee is considered licensed; clarify a statutory reference regarding units of time for experience; change the expiration of maintenance licenses to occur in two years on the date of issuance; document notice requirements, document the available options an inspector may utilize at the stages of rough in, final, and the completion of corrections including, final void, issue a report or order a disconnect; clarify the minimum fee for an inspection man hour or fraction thereof; document the utilization of the term electrical equipment and the designation of machinery; update references to the National Electrical Code; require in use covers and a receptacle within 25 feet of the heating and ac equipment in residential housing units moved to new locations; and clarify the fee, notification and payment requirements and the inspection process for carnivals and celebrations; 43 SDR 135, April 17, 2017.</p>
<p>5-5-2017</p>	<p>Department of Labor and Regulation: SD Cosmetology Commission: Amend rules to update and clarify rules, define new terms, more clearly list prohibited equipment and procedures, update and specify safety and infection control procedures, add new certification requirement, update rules relating to instructors, and remove outdated rule; 43 SDR 136, April 17, 2017.</p>

5-15-2017	Department of Education: Board of Education Amend rules to include the National Guard Tuition Benefit funds as a set aside in the technical institute budget and set out in rule the PTI per student allocation as set for fiscal year 2018, clarify the distribution and application of technical institute instructor salary support funds for fiscal year 2018, clarify when non-attending students are removed from state aid calculations, suspend calculation of the School Performance Index for the 2016-2017 school year and hold over classifications from the 2014-15 school year, create local flexibility in decisions regarding the incorporation of assessments and student growth ratings in implementation of teacher and principal evaluation systems; 43 SDR 135, April 17, 2017.
5-15-2017	Department of Labor and Regulation: Division of Insurance Amend rules to update sources referenced in rule; incorporate the 2017 Medicare coverage amounts; and require continuing education courses to renew their approval with the Division every five years; 43 SDR 141, May 1, 2017.
5-15-2017	Department of Labor and Regulation: Division of Labor and Management Amend rules to revise the procedure for employee representative elections and revise the workers' compensation fee schedule; 43 SDR 141, May 1, 2017.
5-19-2017	Department of Human Services: Division of Rehabilitation Services Amend rules to bring the interpreter certification level required for criminal proceedings or serious medical procedures corresponding to the certification currently being granted by the Registry of Interpreters for the Deaf (RID); 43 SDR 133, April 13, 2017.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, June 5, 2017, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2017 interim: July 17, August 22, September 25, and November 14.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.