

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., June 6, 2011

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 Water and Natural Resources: (May 31, 2011) intends to amend rules to redistrict the director areas of seven water development districts and repeal rules due to the end of the American Recovery and Reinvestment Act (ARRA). The general authority for these rules, as cited by the department, is 46A-1-60.3 and 46A-3C-6.

A public hearing will be held at the Matthew Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on June 23, 2011, at 1:00 p.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Environment and Natural Resources, Division of Financial and Technical Assistance, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3181. Copies may also be accessed on the department's web page at <http://denr.sd.gov/dfta/wwf/wwfpublicnotices.aspx>. Written comments must reach the Board of Water and Natural Resources by June 22, 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) 773-4216 at least 48 hours before the hearing.

Department of Agriculture: Animal Industry Board: (June 1, 2011) intends to amend rules to remove dog and cat shows from the board's supervision; update current dates of reference materials; and repeal rules to relax requirements for paraciticide treatment of cattle imported

from states not known to be infested with scabies. The general authority for these rules, as cited by the board, is SDCL 40-3-14.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on July 12, 2011, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the Board Office by July 11, 2011, 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) 773-3321 at least 48 hours prior to the hearing.

DECLARATORY RULING:

The Board of Examiners for Counselors and Marriage and Family Therapists has issued a declaratory ruling, dated March 4, 2011, regarding an interpretation of SDCL § 36-32-1(5). The Board determined that a vocational counselor or a vocational rehabilitation counselor is not engaged in the practice of professional counseling when the vocational counselor limits his or her practice to forensic or indirect services within the code of professional ethics.

Copies of the declaratory ruling may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Dennis Falken, Brookings, was reappointed on May 26, 2011, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2014.

Gerrit L. Juffer, Wagner, was reappointed on May 26, 2011, to the **South Dakota Economic Development Finance Authority Board of Directors**, effective immediately and shall continue until June 30, 2015.

The following were appointed on June 1, 2011, to the **Governor's Task Force on Trust**

Administration and Reform, effective immediately:

Paul Christen
Jeb Clarkson
Jeff Erickson
John Lillibridge
Mark Sivertson.

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

6-7-2011	Labor and Regulation	Amend Unemployment Compensation rules to repeal obsolete provisions, clarify when unemployment insurance claims are effective, and modify the requirement to search for new employment when receiving benefits; 37 SDR 213.
6-17-2011	Health: Division of Health and Medical Services	Amend rules to revise the South Dakota reportable disease list, reduce reporting of latent tuberculosis infection to high-risk individuals only, and inventory the infectious agents for submission; 37 SDR 221.
6-23-2011	Environment and Natural Resources: Board of Minerals and Environment	Amend rules to redistrict the director areas of seven water development districts and repeal rules due to the end of the American Recovery and Reinvestment Act (ARRA); 37 SDR 231.
7-12-2011	Agriculture: Animal Industry Board	Amend rules to remove dog and cat shows from the board's supervision; update current dates of reference materials; and repeal rules to relax requirements for paraciticide treatment of cattle imported from states not known to be infested with scabies; 37 SDR 231.
8-18-2011	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2008 through June 30, 2010. Changes include establishing an alternative set

		of requirements for academic laboratories; rules that address transboundary movement of hazardous wastes and spent lead-acid batteries; and technical and typographical corrections to errors in the federal rules; 37 SDR 221.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 7, 2011, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – DHS, 2361 Dakota Ave. S; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB109; Sioux Falls – SFUC, 2205 Career Ave., Room 282 S; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2011 interim: 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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