

REGISTER



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Monday, 8:00 a.m., June 13, 2005

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

Department of Labor: Electrical Commission: (June 8, 2005) intends to adopt the 2005 National Electrical Code, increase inspection fees, and revise local inspection system requirements. The general authority for these rules, as cited by the commission, is SDCL 36-16-12, 36-16-29, and 36-16-30.

A public hearing will be held at the Ramkota Inn, Pierre, South Dakota, on July 18, 2005, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the State Electrical Commission, 302 S. Pierre Street, c/o 1320 E. Sioux Avenue, Pierre, South Dakota 57501. Written comments must be received by July 15, 2005, to be considered. Persons who have special needs for which the commission can make arrangements are asked to call 1-800-233-7765 before the hearing.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Executive Appointment:

Jeffory A. Erickson, Watertown, was reappointed on June 3, 2005, to the **State Banking Commission**, effective July 1, 2005, and shall continue until July 1, 2008.

Larry G. Iversen, Pierre, was appointed on June 8, 2005, to the **South Dakota Risk Pool Governing Board**, to replace Damian Prunty, effective immediately.

Executive Orders:

The Governor has signed **Executive Order 2005-07** dated June 6, 2005, which establishes the South Dakota Interagency Coordinating Council under the provisions of Public Law 105-17. The coordinating council is created to assist the Department of Education in administering early intervention programs for infants and toddlers with disabilities. The executive order identifies the membership of the council, outlines the duties of the council, the reporting requirements and it rescinds Executive Order 98-01.

The Governor has signed **Executive Order 2005-08** dated June 6, 2005, which reestablishes the Governor's Commission on the Indian Child Welfare Act. The commission was reestablished to facilitate the implementation of the top 30 recommendations identified by the previous commission of the same name that expired in December of 2004. The executive order identifies the new commission's membership, requires the commission issue a report regarding actions necessary to implement the previous commission's recommendations, and provides that the commission be administered by the Department of Social Services.

The Governor has signed **Executive Order 2005-09** dated June 8, 2005, which creates the South Dakota Medicaid Pharmaceutical and Therapeutics Committee. This committee is directed to work with the Department of Social Services to address the high cost of prescription drugs and the need to find ways to control costs and meet the needs of recipients. The executive order also rescinds Executive Order 2003-05.

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

6-14-2005	Revenue and Regulation: Gaming Commission	Amend rules to clarify that when stakes races are declared off, refunds for subscriptions and fess are only made for stakes race finals; provide a mechanism for reimbursement to the racing stewards for mileage, per diem and lodging on hearings at locations other than the Association grounds; eliminate minimum bankroll requirements set forth in Article 20:18, Appendix A, Section 535.5, as well as other requirements pertaining to calculations and minimum bankroll requirements; require that licensees notify the executive secretary in writing, before a game tournament begins, as to the number of tables involved and the South Dakota stamp identification number of each table; increase the amount of overages or shortages that must be reported to the Commission from \$50 to \$100; require cashiers to validate vouchers and to require the cashiers sign paper tokens and casino scripts; and eliminate the requirement that licensees maintain the name and authorized programmer or manufacturer representative in the access log; 31 SDR 198.
6-21-2005	Bureau of Personnel	Amend rules that will allow for drug testing of certain primary care employees at the South Dakota Human Services Center, Developmental Hospital, and Veterans' Home and to make changes in the procedures for drug testing of state employees so as to comply with legislation adopted by the South Dakota Legislature in 2005; 31 SDR 184.
6-21-2005	Public Safety: Emergency Medical Services	Adopt rules that will establish EMS cardiopulmonary directives for ambulance personnel; 31 SDR 197.
6-23-2005	Transportation	Amend a rule that corrects the highway numbering of an existing speed zone through the city of Roslyn to State Trunk Highway 25; 31 SDR 205.

6-24-2005	Human Services: Board of Counselor Examiners	Clarify that other state licensure requirements must meet or exceed South Dakota's requirements for licensure, remove the requirement for supervisors to provide their social security number to the board, add the requirement that supervisees sign an agreement to adhere to the American Counseling Association Code of Ethics and Standards of Practice, and change the supervision requirements by providing more flexible supervision requirements and clearly listing the supervisor's requirements and duties, remove the requirement for supervisors to provide their social security number and add the requirement that supervisees sign an agreement to adhere to the American Association for Marriage and Family Therapists Code of Ethics, 31 SDR 198.
6-24-2005	Revenue and Regulation: Lottery Commission	Adopt changes to the Powerball and Power Play games recently approved by the 29 participating lotteries. The changes, to take effect after the drawing of August 28, 2005, include addition of pool numbers and changes in corresponding odds, increase in starting jackpot and second and third tier prizes, graduated annuity jackpot payments, and Power Play wheel changes; 31 SDR 198.
7-6-2005	Environment and Natural Resources: Water Management Board	to amend uses assigned to streams for Minnesota River's tributaries' by designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to Labolt Lake Creek in Grant County; for Big Sioux River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of Skunk Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of West Pipestone Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County, and designating the beneficial use of warmwater marginal fish life

		propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County; for Cheyenne River Basin by designating the beneficial use of coldwater permanent fish life propagation waters and limited contact recreation waters to a segment of Beaver Creek in Custer County; for Belle Fourche River Basin by designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Spring Creek, a tributary to the Redwater River in Lawrence County, designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Rubicon Gulch Creek, a tributary of Spearfish Creek in Lawrence County; for Vermillion River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to Blind Creek, a tributary of the Vermillion River in Lincoln County; 31 SDR 197.
7-18-2005	Labor: Electrical Commission	Adopt the 2005 National Electrical Code, increase inspection fees, and revise local inspection system requirements; 31 SDR 209.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 14, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: August 9, September 20, October 18, December 6, and January 9, 2006.

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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