

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., June 13, 2011

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

Department of Labor and Regulation:

Appraiser Certification Program: (June 9, 2011) intends to adopt rules to require Appraisal Management Companies that oversee a network or panel of more than fifteen appraisers in the state or twenty-five or more nationally to register. The rules define terms; requires maintaining a roster of appraisal management companies registered; requires transmitting the roster to the Appraisal Subcommittee; requires notification of change of address; requires disclosure of designated officer and controlling person of the company; requires completion of an application and payment of a registration fee; requires nonresident consent to service of process for out of state companies; requires compliance with certain responsibilities and duties; requires retention of records; requires records to be available for inspection; requires acceptance of complaints for investigation by the state agency; establishes disciplinary actions allowed; and describes the grounds for disciplinary actions. The general authority for these rules, as cited by the department, is SDCL 36-21D-4 and 36-21D-5.

A public hearing will be held in the Department of Revenue First Floor Conference Room, Anderson Building, Pierre, South Dakota, on July 8, 2011, at 1:00 p.m. A copy of the proposed rules may be obtained from and written comments sent to the Department of Labor and Regulation, Appraiser Certification Program, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the department by July 7, 2011,

to be considered at the public hearing. The department will keep the comment period open until July 18, 2011, for written comments. 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) 773-4608 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND

PARKS: 41:06:00.01:02; 41:06:01:07, 41:06:01:07.01, and 41:06:01:07.02.

History-Notice: 37 SDR 191, April 18, 2011
Hearing: May 5, 2011
Filed: June 7, 2011
Effective: June 27, 2011

DEPARTMENT OF HEALTH: HEALTH SYSTEMS DEVELOPMENT AND

REGULATION: 44:63:01:01; 44:63:02:02 to 44:63:02:05, inclusive, 44:63:02:07, 44:63:02:09, 44:63:02:10, 44:63:02:14 to 44:63:02:20, inclusive; 44:63:03:01, 44:63:03:03 to 44:63:03:05, inclusive; and 44:63:06:03.

History-Notice: 37 SDR 191, April 18, 2011
Hearing: May 9, 2011
Filed: June 7, 2011
Effective: June 27, 2011

DEPARTMENT OF PUBLIC SAFETY: OFFICE OF THE STATE FIRE

MARSHAL: 61:15:01:01 to 61:15:01:06, inclusive, 61:15:01:08, 61:15:01:09, 61:15:01:11, 61:15:01:13, 61:15:01:15 to

61:15:01:19, inclusive; 61:15:02:03 to 61:15:02:08, inclusive; 61:15:05:05 to 61:15:05:08, inclusive, 61:15:05:15; 61:15:06:05 to 61:15:06:08, inclusive; 67:15:07:01, 61:15:07:03, 61:15:07:09, 61:15:07:11, 61:15:07:14 to 61:15:07:16, inclusive, 61:15:07:19, 61:15:07:21 to 61:15:07:24, inclusive, and 61:15:07:28 to 61:15:07:30, inclusive.

History-Notice: 37 SDR 165, March 14, 2011
Hearing: April 12, 2011
Filed: June 8, 2011
Effective: June 28, 2011

**DEPARTMENT OF SOCIAL SERVICES:
ECONOMIC ASSISTANCE:** 67:13:02:01, 67:13:02:02, 67:13:02:10.01, and 67:13:02:15.

History-Notice: 37 SDR 195, April 25, 2011
Hearing: May 11, 2011
Filed: June 8, 2011
Effective: June 28, 2011

**DEPARTMENT OF SOCIAL SERVICES:
ECONOMIC ASSISTANCE:** 67:57:01:01 to 67:57:01:07, inclusive, 67:57:01:09, 67:57:01:12 to 67:57:01:15, inclusive, and 67:57:01:17.

History-Notice: 37 SDR 195, April 25, 2011
Hearing: May 11, 2011
Filed: June 8, 2011
Effective: June 28, 2011

**DEPARTMENT OF SOCIAL SERVICES:
CHILD CARE SERVICES:** 67:47:01:01 to 67:47:01:03.03, inclusive, 67:47:01:05 to 67:47:01:08.01, inclusive, 67:47:01:09.01, 67:47:01:10, 67:47:01:10.02 to 67:47:01:12, inclusive, 67:47:01:15, 67:47:01:17 to 67:47:01:21, inclusive, 67:47:01:24, 67:47:01:25, 67:47:01:27 to 67:47:01:29, inclusive; 67:47:02:01, 67:47:02:02, 67:47:02:05, 67:47:02:06, 67:47:02:08, 67:47:02:09, 67:47:02:09.02 to 67:47:02:21, inclusive; 67:47:03:01 to 67:47:03:08, inclusive, 67:47:03:10, 67:47:03:13 to 67:47:03:16,

inclusive, 67:47:03:18 to 67:47:03:20, inclusive, 67:47:03:22 to 67:47:03:24, inclusive, 67:47:03:26 to 67:47:03:32, inclusive; and 67:47:04:02 to 67:47:04:19, inclusive.

History-Notice: 37 SDR 196, April 25, 2011
Hearing: May 13, 2011
Filed: June 8, 2011
Effective: June 28, 2011

**DEPARTMENT OF SOCIAL SERVICES:
DIVISION OF MEDICAL SERVICES:** 67:16:02:03, 67:16:02:03.01, 67:16:02:03.02, 67:16:02:14, 67:16:02:15; 67:16:03:06, 67:16:03:06.01, 67:16:03:06.04, 67:16:03:06.06, 67:16:03:06.07; 67:16:14:01, 67:16:14:06, 67:16:14:06.09; and 67:16:43:08.

History-Notice: 37 SDR 203, May 2, 2011
Hearing: May 19, 2011
Filed: June 8, 2011
Effective: June 28, 2011

DEPARTMENT OF TRANSPORTATION: 70:01:02:45(6).

History-Notice: 37 SDR 143, January 31, 2011
Hearing: March 24, 2011
Filed: June 8, 2011
Effective: June 28, 2011

**OFFICE OF ATTORNEY GENERAL:
24/7 SOBRIETY PROGRAM:** 2:06:01:01; 2:06:02:01 to 2:06:02:04, inclusive, 2:06:02:06; and 2:06:03:01 to 2:06:03:08, inclusive.

History-Notice: 37 SDR 196, April 25, 2011
Hearing: May 20, 2011
Filed: June 8, 2011
Effective: July 1, 2011

**DEPARTMENT OF LABOR AND
REGULATION: SOUTH DAKOTA
ELECTRICAL COMMISSION:** 20:44:14:01 to 20:44:14:01.02, inclusive; 20:44:16:03 to 20:44:16:05, inclusive, 20:44:16:07, 20:44:16:08, 20:44:16:18, 20:44:16:26; 20:44:17:02, 20:44:17:05; 20:44:18:01,

20:44:18:02; 20:44:19:07; 20:44:20:01 to 20:44:20:03, inclusive, 20:44:20:05 to 20:44:20:07, inclusive, 20:44:20:09; 20:44:21:04; 20:44:22:26; 20:44:23:02, 20:44:23:04; and 20:44:25:09.

History-Notice: 37 SDR 181, April 4, 2011
 Hearing: April 21, 2011
 Filed: June 9, 2011
 Effective: June 29, 2011

DEPARTMENT OF REVENUE: DIVISION OF MOTOR VEHICLES: 64:30:02:04.01.

History-Notice: 37 SDR 203, May 2, 2011
 Hearing: May 20, 2011
 Filed: June 9, 2011
 Effective: June 29, 2011

DEPARTMENT OF HEALTH: SOUTH DAKOTA BOARD OF FUNERAL SERVICE: 20:45:03:02, 20:45:03:02:01, and 20:45:03:03.

History-Notice: 37 SDR 181, April 4, 2011
 Hearing: May 12, 2011
 Filed: June 10, 2011
 Effective: June 30, 2011

Executive Order:

The Governor has signed **Executive Order 2011-14** dated June 6, 2011. The Governor has authorized the Governor's Task Force on Trust Administration Review and Reform to review and make recommendations for changing the state's trust administration statutes to provide for efficient and effective administration of trusts. The task force will be administered by the Department of Labor and Regulation and will report their recommendations annually to the Governor. The task force will continue until December 31, 2014.

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

6-17-2011	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.
7-8-2011	Labor and Regulation: Appraiser Certification Program	Adopt rules to require Appraisal Management Companies that oversee a network or panel of more than fifteen appraisers in the state or twenty-five or more nationally to register. The rules define terms; requires maintaining a roster of appraisal management companies registered; requires transmitting the roster to the Appraisal Subcommittee; requires

		notification of change of address; requires disclosure of designated officer and controlling person of the company; requires completion of an application and payment of a registration fee; requires nonresident consent to service of process for out of state companies; requires compliance with certain responsibilities and duties; requires retention of records; requires records to be available for inspection; requires acceptance of complaints for investigation by the state agency; establishes disciplinary actions allowed; and describes the grounds for disciplinary actions; 37 SDR 235.
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.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 12, 2011. The committee chair has set the following tentative meeting schedule for the 2011 interim: 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>.