

REGISTER



South Dakota Legislative Research Council

Volume 30

Monday, 8:00 a.m., June 14, 2004

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

Department of Labor: State Plumbing

Commission: (June 11, 2004) has filed rules to make amendments in regard to plumbing installation practices as they relate to the Uniform Plumbing Code and to allow for apprentice plumber licensing beyond four years without fees involved. The general authority for these rules, as cited by the commission, is SDCL 36-25-14 and 36-25-15.

A public hearing will be held in the Budget Host Inn/State Motel Conference Room, 640 N. Euclid, Pierre, South Dakota, on July 28, 2004, at 2:00 p.m. Copies of the proposed rules may be obtained without charge by writing the State Plumbing Commission, 308 S. Pierre St., @ 1320 E. Sioux Ave., Pierre, South Dakota 57501. A copy of the Uniform Plumbing Code may be obtained from the State Plumbing Commission, 308 S. Pierre St., @ 1320 E. Sioux Ave., Pierre, South Dakota 57501 at a cost of \$85. Written comments may be sent to the State Plumbing Commission and must be received prior to July 28, 2004. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3429 prior to the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF AGRICULTURE:
DIVISION OF AGRICULTURAL
SERVICES:** 12:05:01:01; 12:05:03:03,
12:05:03:04; 12:05:06:02; 12:05:07:04,
12:05:07:10; 12:05:14:01, 12:05:14:02, and

12:05:14:03.

History-Notice: 30 SDR 156, April 5, 2004
Hearing: May 11, 2004
Filed: June 4, 2004
Effective: June 24, 2004

**DEPARTMENT OF AGRICULTURE:
DIVISION OF AGRICULTURAL**

SERVICES: 12:17:01:01, 12:17:01:02;
12:17:02:01, 12:17:02:03, 12:17:02:11,
12:17:02:12, 12:17:02:15, 12:17:02:16,
12:17:02:17, 12:17:02:18; 12:17:03:01,
12:17:03:04, 12:17:03:10, 12:17:03:16,
12:17:03:22, 12:17:03:24; 12:17:04:16;
12:17:05:02, 12:17:05:03; and 12:17:06:01.

History-Notice: 30 SDR 157, April 5, 2004
Hearing: May 11, 2004
Filed: June 4, 2004
Effective: June 24, 2004

**DEPARTMENT OF AGRICULTURE:
DIVISION OF AGRICULTURAL**

SERVICES: 12:51:02:04, 12:51:04:06, and
12:51:08:01.

History-Notice: 30 SDR 157, April 5, 2004
Hearing: May 11, 2004
Filed: June 4, 2004
Effective: June 24, 2004

**DEPARTMENT OF AGRICULTURE:
SOUTH DAKOTA WEED & PEST
CONTROL COMMISSION:** 12:62:03:01.07.

History-Notice: 30 SDR 157, April 5, 2004
Hearing: May 11, 2004
Filed: June 4, 2004
Effective: June 24, 2004

DEPARTMENT OF LABOR: BOARD OF TECHNICAL PROFESSIONS:

20:38:12:00;
 20:38:13:01; 20:38:14:01; 20:38:15:04;
 20:38:17:01, 20:38:17:02, 20:38:17:07;
 20:38:19:02, 20:38:19:03, 20:38:19:04;
 20:38:22:01, 20:38:22:03, 20:38:22:06,
 20:38:22:06.01, 20:38:22:06.02,
 20:38:22:06.03, 20:38:22:06.04,
 20:38:22:06.05, 20:38:22:06.06, 20:38:22:07,
 20:38:22:07.01, 20:38:22:08, 20:38:22:09,
 20:38:22:10, 20:38:22:11, 20:38:22:12,
 20:38:22:13, 20:38:22:14, 20:38:22:15;
 20:38:23:02, and 20:38:23:05.

History-Notice: 30 SDR 161, April 12, 2004
 Hearing: May 10, 2004
 Filed: June 4, 2004
 Effective: June 24, 2004

DEPARTMENT OF AGRICULTURE: DIVISION OF AG DEVELOPMENT:

12:20:01:01, 12:20:01:02, 12:20:01:03,
 12:20:01:06, 12:20:01:08, and 12:20:01:12.

History-Notice: 30 SDR 156, March 29, 2004
 Hearing: April 26, 2004
 Filed: June 8, 2004
 Effective: June 28, 2004

DEPARTMENT OF TRANSPORTATION:

70:01:02:48.

History-Notice: 30 SDR 177, May 3, 2004
 Hearing: May 27, 2004
 Filed: June 8, 2004
 Effective: June 28, 2004

SECRETARY OF STATE: BOARD OF

FINANCE: 5:01:01:01; 5:01:02:01,
 5:01:02:01.01, 5:01:02:02, 5:01:02:04, and
 5:01:02:06.

History-Notice: 30 SDR 177, May 3, 2004
 Hearing: May 18, 2004
 Filed: June 10, 2004
 Effective: June 30, 2004

Executive Appointments:

Eric Abrahamson, Rapid City, was reappointed on June 7, 2004, to the **State Library Board**, effective July 2, 2004, and shall continue until July 1, 2008.

Lorenzo "Jr." Bettelyoun, Spearfish, was reappointed on June 7, 2004, to the **Hagen-Harvey Memorial Scholarship Board**, effective July 2, 2004, and shall continue until July 1, 2009.

Deborah Bowman, Pierre, was reappointed on June 7, 2004, to the **South Dakota Commission on Health Care**, effective July 2, 2004, and shall continue until July 1, 2007.

Ruth Brennan, Rapid City, was reappointed on June 7, 2004, to the **State Arts Council**, effective July 2, 2004, and shall continue until July 1, 2007.

Sharon L. Casey, Chamberlain, was reappointed on June 7, 2004, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2008.

Robert L. Ferrell, Rapid City, was reappointed on June 7, 2004, to the **State Board of Medical and Osteopathic Examiners**, effective July 2, 2004, and shall continue until July 1, 2009.

Keith C. Goodhope, Winner, was reappointed on June 7, 2004, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2008.

Richard O. Gregerson, Sioux Falls, was reappointed on June 7, 2004, to the **Transportation Commission**, effective immediately and shall continue until April 18, 2008.

Kathryn Johnson, PhD, Hill City, was reappointed on June 7, 2004, to the **Board of Minerals and Environment**, effective July 2, 2004, and shall continue until July 1, 2008.

Duane Majeres, Huron, was reappointed on June 7, 2004, to the **South Dakota Commission on Health Care**, effective July 2, 2004, and shall continue until July 1, 2007.

Charles D. Monson, Milbank, was reappointed on June 7, 2004, to the **Board of Minerals and Environment**, effective July 2, 2004, and shall continue until July 1, 2008.

Scott Munsterman, Brookings, was reappointed on June 7, 2004, to the **South Dakota Commission on Health Care**, effective July 2, 2004, and shall continue until July 1, 2007.

John Porter, Sioux Falls, was reappointed on June 7, 2004, to the **South Dakota Commission on Health Care**, effective July 2, 2004, and shall continue until July 1, 2007.

William Taylor, Aberdeen, was reappointed on June 7, 2004, to the **South Dakota Commission on Health Care**, effective July 2, 2004, and shall continue until July 1, 2007.

Kay Thompson-Tieszen, Pierre, was reappointed on June 7, 2004, to the **South Dakota Commission on Health Care**, effective July 2, 2004, and shall continue until July 1, 2007.

Michael J. Trucano, Deadwood, was reappointed on June 7, 2004, to the **Transportation Commission**, effective immediately and shall continue until April 18, 2008.

Rod Bowar, Kennebec, was appointed on June 9, 2004, to the **State and Local Government Task Force**, effective July 1,

2004, and shall continue until December 31, 2005.

Christopher Maynard, Madison, was appointed on June 9, 2004, to the **State and Local Government Task Force**, effective July 1, 2004, and shall continue until December 31, 2005.

Debra Vedvei, Lake Preston, was appointed on June 9, 2004, to the **State and Local Government Task Force**, effective July 1, 2004, and shall continue until December 31, 2005.

Dean Wink, Howes, was appointed on June 9, 2004, to the **State and Local Government Task Force**, effective July 1, 2004, and shall continue until December 31, 2005.

Homer Harding, Pierre, was appointed on June 10, 2004, to the **2010 Research and Commercialization Council**, effective immediately and shall continue until July 1, 2006.

Dale Jans, Sioux Falls, was appointed on June 10, 2004, to the **Board of Technical Professions**, to replace Fred Rittershaus, effective July 1, 2004, and shall continue until April 14, 2008.

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

6-17-2004	Environment and Natural Resources: Board of Minerals and Environment	Amend rules to update existing hazardous waste rules by incorporating the federal rules by reference. This includes changes that have been made to the federal hazardous waste rules from July 1, 2002, to June 30, 2003. Changes to the rules include: establishing criteria for the use of certain materials in the production of zinc fertilizers, the establishment of treatment standards prior to disposing of certain metal-containing wastes, and the correction of technical errors in previously promulgated rules; 30 SDR 169.
6-24-2004	Transportation	Amend speed zones in Hughes, Meade, and Perkins Counties and increase the permit fees for oversize or overweight vehicles; 30 SDR 198.
6-28-2004	Social Services: Office of Medical Services	Amend rules to define terms, establish a system for reviewing and approving OTC items for coverage by the department, and amend the payment provisions for items dispensed by a pharmacy or PHS provider; 30 SDR 197.
7-7-2004	Environment and Natural Resources: Board of Water Management	Repeal two existing chapters of the state drinking water rules and update them by incorporating by reference the most recent published version of the Code of Federal Regulations for drinking water; 30 SDR 193.
7-15-2004	Health: Board of Nursing	Amend rules to update the approval of nursing education programs with a major revision of accepting national nursing accreditation in lieu of the every four year on-site visit by the Board of Nursing for the purpose of maintaining on-going approval; add a rule for the regulation of distance education programs in nursing; amend the time period for calculation of the 75% pass rate requirement for first time writers on the licensing exam; and amend rules related to retaking the licensing examination; 30 SDR 197.
7-28-2004	Labor: State Plumbing Commission	Amend rules regarding plumbing installation practices as they relate to the Uniform Plumbing Code and to allow for apprentice plumber licensing beyond four years without fees involved; 30 SDR 203.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 3, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: October 15.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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