

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., June 27, 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: Division of Insurance: (June 23, 2011) intends to adopt an EMERGENCY rule to establish open enrollment periods for those under age 19 to have access to health insurance without medical underwriting. The general authority for this rule, as cited by the department, is SDCL 58-17-87.

Department of Education: Board of Education: (June 23, 2011) intends to amend School Bus Standards and School Bus Procedures rules to make the rules current with the 2010 National School Transportation Specifications and Procedures and adopt a Professional Teachers rule to provide the content of teaching standards for teacher performance and evaluation. The general authority for these rules, as cited by the board, is SDCL 13-29-2, 13-29-6, 13-42-33, and 13-42-34.

A public hearing will be held at the MacKay Building, 800 Governors Drive, Pierre, South Dakota, on July 25, 2011, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from the Department of Education, 800 Governors Drive, Pierre, South Dakota 57501-2294 or from the Internet at <http://www.doe.sd.gov/board/index.asp>. Written comments may be sent to the board at the address above and must be received by July 18, 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) 773-5669 at least 48 hours before the

hearing.

Department of Game, Fish and Parks: (June 24, 2011) intends to adopt an EMERGENCY rule to amend ARSD 41:07:06:03.01 for the purpose of canceling the 2011 Archery Paddlefish Season. The general authority for this rule, as cited by the department, is SDCL 41-2-18.

A public hearing will be held at its regular meeting scheduled for the Ramkota RiverCentre Convention Center, 920 West Sioux Avenue, Pierre, South Dakota, on July 7, 2011, at 1:00 p.m. (CDT). A copy of the proposed emergency rule may be obtained from the Department of Game, Fish and Parks, 523 East Capitol Avenue, Pierre, South Dakota 57501.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Jarrod D. Otta, Sioux Falls, was reappointed on June 17, 2011, to the **American Dairy Association of South Dakota**, effective immediately and shall continue until June 30, 2013.

Marvin Post, Volga, was reappointed on June 17, 2011, to the **American Dairy Association of South Dakota**, effective immediately and shall continue until June 30, 2014.

Holly Roe-Johnson, Hosmer, was reappointed on June 17, 2011, to the **State Board of Veterinary Medical Examiners**, effective

immediately and shall continue until June 30, 2014.

Kristie K. Fiegen, Sioux Falls, was appointed on June 21, 2011, to the **South Dakota Public Utilities Commission**, to replace Steve Kolbeck, effective immediately.

Mark Gross, Bridgewater, was reappointed on June 21, 2011, to the **Board of Directors of the Value Added Finance Authority**, effective immediately and shall continue until June 30, 2015.

Marcia Hendrickson, Chancellor, was reappointed on June 21, 2011, to the **Board of Directors of the Value Added Finance Authority**, effective immediately and shall continue until June 30, 2015.

Robert Hull, Sisseton, was reappointed on June 21, 2011, to the **Board of Directors of the Value Added Finance Authority**, effective immediately and shall continue until June 30, 2015.

Charles K. Jepson, Fort Pierre, was appointed on June 21, 2011, to the **Board of Directors of**

the Value Added Finance Authority, to replace Bobbie Dold, effective July 1, 2011, and shall continue until June 30, 2015.

Travis W. Lantis, Spearfish, was appointed on June 21, 2011, to the **South Dakota Aeronautics Commission**, to replace John Mitchell, effective July 1, 2011, and shall continue until June 30, 2016.

Richard L. Pearson, Brandon, was reappointed on June 21, 2011, to the **South Dakota Aeronautics Commission**, effective immediately and shall continue until June 30, 2016.

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

7-7-2011	Game, Fish and Parks	Adopt an EMERGENCY rule to amend ARSD 41:07:06:03.01 for the purpose of canceling the 2011 Archery Paddlefish Season; 37 SDR 245.
7-7-2011	Game, Fish and Parks	Amend East River Deer Hunting Season rules to establish number of licenses/tags available for the 2011 season and repeal the rule which designates areas where free antlerless deer licenses can be issued to farmers and ranchers for use in East River deer hunting units as this is being addressed in a new rule (ARSD 41:06:01:13); amend Antelope Hunting Season rules to establish number of resident and nonresident licenses/tags available for the 2011 season, eliminate the split seasons and go to one season for Units 49A and 49B (Meade/Pennington counties) and Units 35A

		and 35B (Harding Count), and eliminate the nine day extension beginning on the Saturday following Christmas which allows for the harvest of doe and fawn antelope; amend a Custer State Park Antelope Hunting Season rule to eliminate the 10 "doe/kid" antelope licenses previously available in Custer State Park; amend National Wildlife Refuge Deer Hunting Season rules to establish the number of resident and nonresident licenses/tags available for the 2011 season, and change "antlerless whitetail deer" licenses to "two-tag antlerless whitetail deer" licenses for LaCreek National Wildlife Refuge; and amend an Early Fall Canada Goose Hunting Season rule to adjust the season start date from "the Saturday closest to September 7" to "the first Saturday of September;" 37 SDR 239.
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.
7-12-2011	Environment and Natural Resources: Water Management Board	Repeal the chapter on Construction of Control Facilities for water supply and treatment systems; 37 SDR 239.

7-13-2011	Labor and Regulation: State Plumbing Commission	Amend rules to make amendments in regard to plumbing installation practices as they relate to the 2009 Uniform Plumbing Code; revise commercial inspection fees to create a small commercial fee for buildings which have five or less plumbing fixtures which shall have a fee of one hundred dollars; and make revisions to expand acceptable course offerings for continuing education requirements; 37 SDR 241.
7-19-2011	Public Safety: Office of Weights and Measures	Amend a rule to include permissive language that, during the period from September 16 to November 30 each year, will allow South Dakota's gasoline "schedule of seasonal and geographical volatility classes" to exhibit our existing volatility standards or the standards in use in Minnesota, North Dakota, and Iowa; 37 SDR 240.
7-25-2011	Education: Board of Education	Amend School Bus Standards and School Bus Procedures rules to make the rules current with the 2010 National School Transportation Specifications and Procedures and adopt a Professional Teachers rule to provide the content of teaching standards for teacher performance and evaluation; 37 SDR 245.
7-28-2011	Agriculture: Division of Ag Development	Amend rules to make changes to certain agricultural finance programs to increase amounts, add new programs, and change criteria; 37 SDR 240.
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>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 37 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).