

REGISTER



South Dakota Legislative Research Council

Volume 39

Tuesday, 8:00 a.m., October 9, 2012

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

Bureau of Human Resources: Civil Service Commission: (September 28, 2012) intends to amend rules to bring the state's civil service system and the law enforcement civil service system into conformity with the legislature's adoption of House Bill 1028, SDCL §§ 3-6C, 3-6D, and 3-6F, and to allow the longevity payment to be paid within the pay period of which the employee's annual year of service date occurs. The general authority for these rules, as cited by the bureau, is SDCL §§ 1-26-2, 1-26-15, 1-26-18, 1-32-1, 3-6-7, 3-6-8.4, 3-6-8.6, 3-6-10.1, 3-6A-12, 3-6A-13, 3-6A-21, 3-6A-26, 3-6A-28, 3-6A-29, 3-6A-31, 3-6A-36, 3-6C-3, 3-6C-5, 3-6C-7, 3-6C-9, 3-6C-13, 3-6C-15, 3-6C-17, 3-6C-18, 3-6C-24, 3-6D-4, 3-6D-7, 3-6D-10, 3-6D-11, 3-6D-14, 3-6D-15, 3-7-6, 3-7-7, 3-7-9, 3-7-11, 3-7-14.1, 3-7-17, 3-7-18, 3-7-20, 3-7-21, and 3-8-13.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre South Dakota, on October 25, 2012, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Bureau of Human Resources, Room 110, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by October 25, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-4918 at least 48 hours before the hearing.

Department of Public Safety: South Dakota 911 Coordination Board: (October 2, 2012) intends to amend rules to repeal surcharges procedures which are outdated under current law; make the State 911 Board the authority on accepting emergency medical dispatch programs rather than Law Enforcement Training; specify that all annual fiscal reports must be submitted to the State 911 Board by March 31st of each calendar year; address when 911 surcharge funds may or may not be used for communication equipment and physical addressing costs; and set forth the procedure for determining public answering points' compliance with rules to receive 911 funds as set forth in SDCL § 34-45-8.5. The general authority for these rules, as cited by the department, is SDCL §§ 34-45-4.1, 34-45-16, and 34-45-18.2.

A public hearing will be held in the Plains Room of the Clubhouse Hotel and Suites/Redrossa Italian Grille, 808 West Sioux Avenue, Pierre, South Dakota, on October 30, 2012, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Public Safety, 118 West Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the Department of Public Safety by October 29, 2012, 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) 773-3178 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:**Executive Appointments:**

Jeff Haase, Lemmon, was reappointed on September 26, 2012, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until October 30, 2015.

Connie Halverson, Pierre, was reappointed on September 26, 2012, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until October 30, 2015.

Thomas M. Huegel, Sioux Falls, was appointed on September 26, 2012, to the **Workers' Compensation Advisory Council**, to replace Chris Lien, effective October 31, 2012, and shall continue until October 30, 2015.

Douglas K. Ode, Brandon, was appointed on September 26, 2012, to the **American Dairy Association of South Dakota**, to replace James Neugebauer, effective October 31, 2012, and shall continue until October 30, 2015.

Paul A. Reiter, Rapid City, was appointed on September 26, 2012, to the **South Dakota Public Safety Communications Council**, to replace Ken Wesche, effective immediately.

James W. Ross, Whitewood, was appointed on September 26, 2012, to the **Veterans Commission**, to replace William Locken, effective October 1, 2012, and shall continue until October 1, 2018.

Douglas J. Sharp, Watertown, was appointed on September 26, 2012, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2015.

Lesta V. Turchen, Hill City, was reappointed on September 26, 2012, to the **State Library**

Board, effective immediately and shall continue until October 30, 2015.

Terence G. Hand, Midland, was appointed on October 2, 2012, to the **Wheat Utilization Research and Marketing Development Commission**, to replace Steve Halverson, effective October 31, 2012, and shall continue until October 30, 2015.

Gary Harrington, Huron, was reappointed on October 4, 2012, to the **Board of Barber Examiners**, effective immediately and shall continue until October 30, 2015.

Robert H. Johnson, Rapid City, was reappointed on October 4, 2012, to the **Board of Barber Examiners**, effective immediately and shall continue until October 30, 2015.

Executive Order:

The Governor has signed **Executive Order 2012-11** dated October 1, 2012. This order declares a state of wildfire emergency to exist in Fall River County in the state of South Dakota since August 1, 2012, for the purposes of the "Red Zone" declaration and that assistance be granted to Fall River County, and its fire departments under existing state agency policy and guidelines for support of wildfire suppression activities within the county. A copy of the Executive Order is available on the Secretary of State's website.

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

10-16-2012	Social Services: Division of Economic Assistance	Amend rules to update payment standards regarding the Temporary Assistance for Needy Families program; 39 SDR 55.
10-18-2012	Labor and Regulation: Division of Labor and Management	Amend rules to revise the workers compensation fee schedule; 39 SDR 55.
10-25-2012	Transportation	Amend Tourist-Oriented Directional Signing – on Right-of-Way rules to amend the definition of "tourist-oriented directional signing" to exclude specific reference to businesses selling seasonal agricultural products as a type of qualifying business for signage; clarify that a business must be both a tourist-oriented and a rural business, and must comply with all federal and state non-discrimination in public accommodations requirements; eliminate references to rural businesses as a separate category of qualifying businesses; clarify that a TOD sign is to be located at the intersection nearest the business; clarify the conditions under which an existing TOD sign must be removed; eliminate unnecessary verbiage; repeal the criteria for arrangement and size of signs; provide that the specifications for signing design, style, lettering, arrangement, size, and location must conform to the Manual on Uniform Traffic Control Devices; provide for the allowance of generic symbols of the business activity on TOD signing, and establish the criteria for approval of specific symbols; 39 SDR 59.
10-25-2012	Bureau of Human Resources: Civil Service Commission	Amend rules to bring the state's civil service system and the law enforcement civil service system into conformity with the legislature's adoption of House Bill 1028, SDCL §§ 3-6C, 3-6D, and 3-6F, and to allow the longevity payment to be paid within the pay period of which the employee's annual year of service date occurs; 39 SDR 63.
10-30-2012	Public Safety: 911 Coordination Board	Amend rules to repeal surcharges procedures which are outdated under current law; make the State 911 Board the authority on accepting emergency medical dispatch programs rather than Law Enforcement Training; specify that all annual fiscal reports must be submitted to the State 911 Board by March 31 st of each calendar year; address when 911 surcharge

		funds may or may not be used for communication equipment and physical addressing costs; and set forth the procedure for determining public answering points' compliance with rules to receive 911 funds as set forth in SDCL § 34-45-8.5; 39 SDR 63.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, November 13, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: December 19.

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>.