

# REGISTER



## South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., April 17, 2017

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### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

**Notice of Proposed Administrative Rules:**  
(The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Education: Board of Education:** (April 10, 2017) intends to amend rules to include the National Guard Tuition Benefit funds as a set aside in the technical institute budget and set out in rule the PTI per student allocation as set for fiscal year 2018, clarify the distribution and application of technical institute instructor salary support funds for fiscal year 2018, clarify when non-attending students are removed from state aid calculations, suspend calculation of the School Performance Index for the 2016-2017 school year and hold over classifications from the 2014-15 school year, create local flexibility in decisions regarding the incorporation of assessments and student growth ratings in implementation of teacher and principal evaluation systems. The general authority for these rules, as cited by the board, is SDCL §§ 1-16A-94, 13-1-12.1, 13-3-51, 13-3-69, 13-13-37.4, 13-39-13, 13-39-19, 13-39-37, 13-39-75, and 13-42-33.

A public hearing will be held at Western Dakota Technical Institute, Dakota Hall Lecture Room, 800 Mickelson Drive, Rapid City, South Dakota, on May 15, 2017, at 11:00 a.m. MT. Copies of the proposed rules may be obtained without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501 or at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at

the address above or at this website: <https://rules.sd.gov/default.aspx>. Material sent by mail must be received by May 11, 2017, 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) 773-3553 at least 48 hours before the hearing.

**Department of Labor and Regulation: SD Electrical Commission:** (April 12, 2017) intends to amend rules to adopt the 2017 National Electrical Code (the "2017 NEC") and update the reference to the 2015 International Building Code (the "2015 IBC"); update definitions; document the requirement to hold a license to gain experience; clarify that a federal employee is considered licensed; clarify a statutory reference regarding units of time for experience; change the expiration of maintenance licenses to occur in two years on the date of issuance; document notice requirements, document the available options an inspector may utilize at the stages of rough in, final, and the completion of corrections including, final void, issue a report or order a disconnect; clarify the minimum fee for an inspection man hour or fraction thereof; document the utilization of the term electrical equipment and the designation of machinery; update references to the National Electrical Code; require in use covers and a receptacle within 25 feet of the heating and ac equipment in residential housing units moved to new locations; and clarify the fee, notification and payment requirements and the inspection process for carnivals and celebrations. The general authority for these rules, as cited by the commission, is SDCL §§ 36-16-12, 36-16-13.2,

36-16-29, and 36-16-30.

A public hearing will be held in Room 412, 4<sup>th</sup> floor, State Capitol, Pierre, South Dakota, on May 4, 2017 at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Electrical Commission, 308 S. Pierre Street, Pierre, SD 57501. Written comments must be received by May 3, 2017, to be considered. Copies of the rules may also be obtained on the commission's website at [electrical.sd.gov](http://electrical.sd.gov). This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3573 at least 48 hours before the hearing.

**Department of Labor and Regulation:**  
**SD Cosmetology Commission:** (April 12, 2017) intends to amend rules to update and clarify rules, define new terms, more clearly list prohibited equipment and procedures, update and specify safety and infection control procedures, add new certification requirement, update rules relating to instructors, and remove outdated rule. The general authority for these rules, as cited by the commission, is SDCL §§ 36-15-2.4, 36-15-13, 36-15-13.2, 36-15-20.1, 36-15-25, 36-15-25.1, and 36-15-26.2

A public hearing will be held at the Department of Labor and Regulation Office, 811 East 10<sup>th</sup> Street, Sioux Falls, South Dakota, on May 5, 2017, at 1:00 p.m. (CDT). Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Cosmetology Commission, 221 W. Capitol Ave., Suite 101, Pierre, SD 57501. Material sent by mail must be received by May 2, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6193 at least 48 hours before the hearing.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:** (None)

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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**

<p><b>5-4-2017</b></p>	<p><b>Department of Labor and Regulation: SD Electrical Commission:</b>                  Amend rules to adopt the 2017 National Electrical Code (the "2017 NEC") and update the reference to the 2015 International Building Code (the "2015 IBC"); update definitions; document the requirement to hold a license to gain experience; clarify that a federal employee is considered licensed; clarify a statutory reference regarding units of time for experience; change the expiration of maintenance licenses to occur in two years on the date of issuance; document notice requirements, document the available options an inspector may utilize at the stages of rough in, final, and the completion of corrections including, final void, issue a report or order a disconnect; clarify the minimum fee for an inspection man hour or fraction thereof; document the utilization of the term electrical equipment and the designation of machinery; update references to the National Electrical Code; require in use covers and a receptacle within 25 feet of the heating and ac equipment in residential housing units moved to new locations; and clarify the fee,</p>
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	notification and payment requirements and the inspection process for carnivals and celebrations; 43 SDR 135, April 17, 2017.
<b>5-5-2017</b>	<b>Department of Labor and Regulation: SD Cosmetology Commission:</b> Amend rules to update and clarify rules, define new terms, more clearly list prohibited equipment and procedures, update and specify safety and infection control procedures, add new certification requirement, update rules relating to instructors, and remove outdated rule; 43 SDR 136, April 17, 2017.
<b>5-15-2017</b>	<b>Department of Education: Board of Education</b> Amend rules to include the National Guard Tuition Benefit funds as a set aside in the technical institute budget and set out in rule the PTI per student allocation as set for fiscal year 2018, clarify the distribution and application of technical institute instructor salary support funds for fiscal year 2018, clarify when non-attending students are removed from state aid calculations, suspend calculation of the School Performance Index for the 2016-2017 school year and hold over classifications from the 2014-15 school year, create local flexibility in decisions regarding the incorporation of assessments and student growth ratings in implementation of teacher and principal evaluation systems; 43 SDR 135, April 17, 2017.
<b>5-19-2017</b>	<b>Department of Human Services: Division of Rehabilitation Services</b> Amend rules to bring the interpreter certification level required for criminal proceedings or serious medical procedures corresponding to the certification currently being granted by the Registry of Interpreters for the Deaf (RID); 43 SDR 133, April 13, 2017.

### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Monday, May 1, 2017, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2017 interim: June 5, July 17, August 22, September 25, and November 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.

