

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., March 11, 2013

RULE-MAKING NOTICE:

For an agency that has new rule-making authority in legislation passed in the 2013 legislative session, the agency may begin the rule-making process before the legislation is effective. However the rules will not be effective before the July 1st effective date of the legislation. See SDCL § 1-26-4.4.

If an agency needs to have an effective date of July 1st for a rule, you should consider the following timeline for your rules process. Use April to research and write your rough draft for the rules so that you can share the draft with interested parties such as licensees, trade associations, the department secretary, or citizen board. The formal rule-making requirements of SDCL Chapter 1-26: service of the proposed rules on the Legislative Research Council; notice of hearing to the newspapers; and the agency's rules hearing must be completed in May in time to meet all timelines for notice and service. The Rules Review Committee is scheduled to meet June 4th to review any rules. The agency must be able to file the rules in the Secretary of State's office on or before June 11th for an effective date of July 1st.

If an agency's rule-making authority was repealed, any rule authorized by that statute is void unless the agency can cite another statute which authorizes the rule. The agency must go through the rule-making procedure to identify the new authority. If rule-making authority was transferred to another agency and the legislation did not specify the disposition of the rules, the rules of the first agency are the rules of the second agency until the rules are amended or repealed. See SDCL § 1-26-8.1.

Time Table for Administrative Rules to be Effective July 1

- March 25 Last Day of Session
- April Informal
Rough Draft
Working Group or Interested Persons
Input
Review by Department Secretary
or Citizen Board/Commission
- May Formal Rule Making
Service on Legislative Research Council
Notice of Hearing to Newspapers
Rules Hearing before May 25th
Service on Rules Review Committee
- June 4 Presentation to Rules Review
Committee
- June 11 Deadline for filing with the
Secretary of State
- July 1 Rules effective

NOTICE OF PROPOSED RULES: (None)

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Legislative Appointments:

Representatives Peggy Gibson, Anne C. Hajek, and Timothy R. Johns were appointed on March 7, 2013, to the **Interim Rules Review Committee**. These appointments will expire at noon on Tuesday, January 13, 2015.

Senators Angie Buhl, Jean M. Hunhoff, and Mike Vehle were reappointed on March 7, 2013, to the **Interim Rules Review Committee**. These appointments will expire at noon on

Tuesday, January 13, 2015.

Representative Brian G. Gosch was reappointed on March 7, 2013, to the **South Dakota Code Commission**, effective immediately and shall continue until January 1, 2015.

Senator Shantel Krebs was appointed on March 8, 2013, to the **South Dakota Code Commission**, effective immediately and shall continue until January 1, 2015.

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

3-14-2013	Revenue: Commission on Gaming	Amend Gaming Rules to add failure to maintain minimum bankroll requirements and failure to notify the Executive Secretary of deficiency in cash, to Class A violations which allow for summary suspension of license; change the minimum wager from \$100 to \$1,000; and include summary suspension as a penalty for failure of a licensee to maintain cash or cash equivalents or to maintain minimum bankroll requirements; 39 SDR 141.
3-20-2013	Revenue: South Dakota Lottery Commission	Amend a Hot Lotto Game rule in order to continue to offer the game in South Dakota on and after May 12, 2013; 39 SDR 143.
3-22-2013	Agriculture: State Brand Board	Amend rules to increase the per head inspection fee for livestock ownership inspection and increase the fee for a lifetime horse transportation permit; 39 SDR 143.
4-11-2013	Agriculture: SD Weed and Pest Commission	Amend a rule to add white horehound to the local noxious weed and declared pest list; 39 SDR 147.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 2, 2013. The committee chair has set the following tentative meeting schedule for the 2013 interim: June 4, July 9, August 20, September 17, November 12, and December 17.

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>.