



SouthDakota

Legislative Research Council

Rules Review Committee Agenda

Senator Mike Vehle, Chair
Representative Timothy Johns, Vice Chair

Three hundred forty-ninth meeting
Monday
June 8, 2015

Room 413
State Capitol
Pierre, South Dakota

Agencies are asked to have a representative present at the meeting
to give background information on their rules.

10:00 a.m. CT Call to order, roll call, approval of minutes, and staff report

Review of proposed rules

Senator Vehle

Department of Agriculture: Division of Agricultural Services – Amend rules to alter requirements for producers wishing to sell raw milk for human consumption and to modify standards for raw milk for human consumption.

Department of Agriculture: State Fair – Amend a rule to increase the gate admission, parking, camping and vehicles fees.

Department of Transportation – Amend Speed Limits rules to create a 75 mph limited speed zone on Interstate Highway 90 beginning at the Wyoming border then east to milepost 55.02; change the effective beginning date for a temporary 65 mph limited speed zone on Interstate Highway 90 near Sturgis between milepost 28.9 and 33.75 from August 1 of each year to July 24; for the 2015 Rally only, extend the length of the temporary 65 mph limited speed zone on Interstate Highway 90 further to the east from milepost 28.9 to milepost 55.02 from July 24, 2015, until August 10, 2015; in Meade County change the effective beginning date for a temporary 35 mph from Blanche Street easterly for 3.8 miles from August 1 of each year to July 24 of each year and change the effective beginning date for a temporary 45 mph limited speed zone on SD Highway 79 from its junction with SD Highway 34, then 1.5 miles north from August 1 of each year to July 24 of each year; and in Lyman County change a 55 mph limited speed zone on State Highway 273 beginning at its junction with Interstate Highway 90 then north for 1.03 miles to 35 mph, then north for an additional 0.2 miles to 45 mph through Kennebec.

Representative Johns

Office of the Attorney General – Amend rules to provide for the inclusion of optional formats in uniform complaint and summons forms.

Department of Education: Board of Education – Amend Public School Accountability System rules to update certain components of the accountability system and update references throughout the article to make the rules consistent with South Dakota's Elementary and Secondary Education Act Flexibility Waiver Extension as approved by the U.S. Department of Education and current terminology.

Department of Labor and Regulation: State Plumbing Commission – Amend a rule to allow un-purple primer for PVC pipe and fitting installations.

Senator Bradford

Department of Labor and Regulation: Appraiser Certification Program – Amend rules to update the threshold level of the National Credit Union and revise the format of the citations for the Federal regulations for the Office of the Comptroller of the Currency (OCC); Federal Deposit Insurance Corporation (FDIC) and the Board of Governors of the Federal Reserve System (Fed) threshold levels; require three years of experience as a South Dakota reciprocal appraiser in order to be a supervisory appraiser; require a supervisory appraiser to sign the certification; add a provision for limited exemption of qualifications for candidates for appraiser licensing, certification or registration called to active duty in the military; eliminate appraiser education rules that have effective dates through June 30, 2014 and December 31, 2014; require applicants for state-registered appraiser classification to complete a Department training program prior to issuance of the registration; require retention of additional records by appraisers; increase application, temporary practice, renewal and upgrade fees for licensed and certified appraiser classifications; add probation and limit of scope of practice to the disciplinary actions permitted; clarify when filing a complaint against another appraiser rises to the level of violation of the rules; change 'state of domicile' to 'home state' for reciprocal applicants; and require continuing education for reciprocal licensees that move to South Dakota.

Department of Labor and Regulation: Division of Insurance – Adopt rules to provide the form and process for filing an affidavit of exemption from the South Dakota Workers' Compensation Law.

Working Lunch

Department of Labor and Regulation: SD Banking Commission – Amend rules to abate the examination fee assessed to state-chartered banks for the June 2015 semiannual examination fee period and require all semi-annual examination fee assessments to be paid electronically by state-chartered banks.

Department of Labor and Regulation: SD Real Estate Commission – Amend rules to eliminate the requirement that newly-approved prelicensing instructors must complete an instructor development workshop, change the postlicensing education requirements for

new broker associates, clarify the required and elective continuing education topic areas, the classroom clock-hour definition, student certification requirements, the education requirements necessary to activate a license, non-qualifying courses and change the application deadline for continuing education course approval.

Department of Revenue: SD Commission on Gaming – Amend Gaming rules to clarify drop box definition, delete the definition of free play and add a definition for non cashable promo play; provide a fee for Commission approval of games and game variations; create an application process for new games or new variations of games; prohibit persons from bringing dice into a gaming location; provide for manned surveillance rooms with house banked table games and craps; allow licensed gaming tables to be used for training purposes; provide training for dealers of house banked table games, craps and roulette; authorize the games of craps, roulette and keno; add craps and roulette to game tournaments; add a free bonus feature to Buster Blackjack; add a variation of blackjack known as free bet blackjack; add an optional six card bonus wager to three card poker; add an optional four card bet; add craps and roulette components to associated equipment; establish requirements for craps tables; establish the physical characteristics for dice; establish requirements for the use of dice; establish procedures for cancellation and destruction of dice; establish physical characteristics for roulette tables; establish the physical characteristics for roulette balls; establish criteria for nonvalue roulette chips; clarify computation of adjusted gross revenue; clarify the use of non cashable promo play; provide for surveillance of craps and roulette games; clarify procedures regarding surveillance equipment malfunctions; require that only licensed persons enter surveillance rooms; set forth new chapters of rules for the play of Keno, Craps, and Roulette; and clarify and increase minimum bankroll cash reserves and cash reserve requirements, to include craps, roulette and keno, and bad bet liability.

Representative Gibson

Department of Social Services: – Amend Economic Assistance, Medical Services, Child Support and Child Protection rules to reflect annual changes, update terminology to align with current practice, amend the mileage requirement for non-emergency medical transportation reimbursement, and clarify the exemption for family foster homes.

Senator Heineman

Bureau of Administration: Office of the State Engineer – Amend rules to modify definitions, state building certification process requirements, and conditions for granting waivers from the High Performance Green Building Standard requirement; require achievement of certain Leadership in Energy and Environmental Design (LEED) credits and prohibit inclusion of others for certification.

Department of Labor and Regulation: SD Retirement System – Amend rules to revise definitions and conditions for distribution for the deferred compensation plan and to add an automatic escalation feature to the automatic enrollment provisions of the deferred compensation plan.

Representative Hunhoff

Department of Health: Division of Health Systems Development and Regulation – Amend Article 44:05 – Ambulance Operation rules to reflect the reorganization of the Office of Emergency Medical Services to the Department of Health.

Committee Discussion

SDCL 1-26 requirements – discussion continued from April 2015 meeting regarding information in final rules package submitted to the committee.

3:30 p.m. Adjourn

* Breaks will be at the call of the chair.

NOTE: A copy of the proposed rules being reviewed at the meeting may be obtained without charge by contacting the department, board, or commission. Copies may also be available at <https://rules.sd.gov/default.aspx>.

Members: Senator Mike Vehle (Chair); Representative Timothy Johns (Vice Chair); Senators Jim Bradford and Phyllis Heineman; and Representatives Peggy Gibson and Jean Hunhoff.

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