

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., June 10, 2019

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE

at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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

**Department of Labor and Regulation:
Board of Abstracters Examiners:**

(June 4, 2019) intends to amend rules to add the executive secretary to supervise administrative duties of the board; define chain of title; update language for meetings/special meetings of the board; repeal unanimous consent meetings; repeal outdated language on orders and decisions of the board; add a clause to eligibility for military personnel; update language to require notarized signature for applicants; provide additional locations and designated representatives for examinations; revise the timeline for grading examinations; update language for general requirements for books, records, and indexes; update language relating to grading of plant examinations; update language regarding fees and expenses for plant examinations and language for issuance of certificate for plant. The general authority for these rules, as cited by the department, is SDCL §§ 36-13-6, 36-13-6.1, and 36-13-12.

A public hearing will be held on the Dakota Digital Network on June 28, 2019, at 9:00 a.m. MT/10:00 a.m. CT at the following sites: BHSU, E.Y. Berry Library Room 011,

1200 University Street, Spearfish, South Dakota; Capitol A, Room B12, 500 East Capitol, Pierre, South Dakota; Lincoln County Courthouse, Courtroom 2B, 104 North Main Street, Canton, South Dakota; SFUC, FADM 265, 4801 North Career Avenue, Sioux Falls, South Dakota; UC113, 4300 Cheyenne Boulevard, Rapid City, South Dakota; and Winner DOT, 1200 East Highway 44, Winner, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Abstracters Board of Examiners, 810 N. Main Street, #298, Spearfish, SD 57783. Comments may also be sent by email to proflific@rushmore.com. Copies are also available at <http://rules.sd.gov>. Materials sent by mail or email must reach the board at least 72 hours before the public hearing to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 642-1600 at least 48 hours before the public hearing.

Department of Revenue:

South Dakota Commission on Gaming:

(June 4, 2019) intends to amend rules to allow accommodations for players with documented medical impediments to assist them in participating in games; include poker and house banked poker into existing drop procedures; apply count procedures to house banked poker and poker games; provide for appropriate procedures for accepting cash at house banked poker tables; provide for procedures for appropriate distribution of chips to and removal of chips or coins from house banked poker games; apply appropriate

drop box requirements for and provide for statistics procedures in house banked poker games; provide procedures for the dealing of house banked poker games; prohibit poker players or spectators from removing or altering cards; allow for players to wager on more than one box according to specific rules of each game; allow for tip bets in house banked poker games; and require poker players to be responsible for computing the winning combination of their own hand. The general authority for these rules, as cited by the commission, is SDCL § 42-7B-7.

A public hearing will be held at City Hall, 102 Sherman Street, Deadwood, South Dakota, on June 25, 2019, at 9:00 a.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 87 Sherman Street, Deadwood, SD 57732, or by email to susan.christian@state.sd.us. The rules can also be viewed online at <https://rules.sd.gov/>. Material sent by mail must reach the commission by June 24, 2019, to be considered. The commission requests that all written comments be received by June 21, 2019, to allow for adequate consideration prior to the hearing. 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) 578-3074 at least 48 hours prior to the hearing.

Department of Transportation:

(June 4, 2019) intends to amend rules to increase the speed limit on Interstate Highway 190 in Rapid City from 55 to 60 miles per hour; increase the speed limit for a segment of State Trunk Highway 79 from Rapid City to the Custer County line from 60 to 70 miles per hour; and increase from 65 to 70 miles per hour the speed limit on State Trunk Highway 79 from the north side of Hermosa to the Pennington County line. The general authority for these rules, as cited

by the department, is SDCL §§ 32-25-7 and 32-25-7.1.

A public hearing will be held in the Commission Room, Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on June 27, 2019, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Secretary of Transportation, Becker-Hansen Building, 700 E. Broadway Avenue, Pierre, SD 57501. Comments may also be emailed to Darin.Bergquist@state.sd.us. Material sent by mail or email must reach the department on or before June 24, 2019, 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) 773-3540 or (800) 877-1113 (Telecommunication Relay Service for the Deaf) no later than two business days prior to the hearing.

Department of Agriculture: (June 5, 2019)

intends to amend rules to add Palmer Amaranth as a prohibited noxious weed seed; clarify that no presence of prohibited noxious weed seed is allowable in seed; move quackgrass from the prohibited noxious weed seed list to the restricted noxious weed seed list; lower the maximum allowable presence of restricted noxious weed seeds; and update references, scientific names, and testing processes. The general authority for these rules, as cited by the department, is SDCL § 38-12A-20.

A public hearing will be held in the Department of Environment and Natural Resources Conference Room, 1st Floor, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on July 1, 2019, at 1:30 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Agriculture, 523 E. Capitol Avenue, Pierre, SD 57501. Material sent

by mail must reach the department by July 10, 2019, 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) 773-3796 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:

74:37:01:03.01, 74:37:01:04, 74:37:01:05, 74:37:01:07, 74:37:01:07.01, 74:37:01:07.02, 74:37:01:08.

History-Notice: 45 SDR 127, April 8, 2019
Hearing: May 7, 2019
Filed: June 4, 2019
Effective: June 24, 2019

DEPARTMENT OF GAME, FISH AND PARKS:

41:03:01:01.02, 41:03:01:15, 41:03:01:16.01, 41:03:01:19; 41:03:03:04; 41:03:05:02, 41:03:05:03, 41:03:05:06; 41:06:47:01; 41:06:56:02.

History-Notice: 45 SDR 117, March 18, 2019
Hearing: April 4, 2019
Filed: June 4, 2019
Effective: June 24, 2019

DEPARTMENT OF GAME, FISH AND PARKS:

41:04:02:06, 41:04:02:14, 41:04:02:58; 41:06:02:03; 41:06:19:01; 41:06:20:01, 41:06:20:02.01, 41:06:20:02; 41:06:21:01, 41:06:21:02; 41:06:22:01, 41:06:22:01.01, 41:06:22:02; 41:06:36:01, 41:06:36:01.01, 41:06:36:02, 41:06:36:02.02; 41:06:41:01, 41:06:45:02.

History-Notice: 45 SDR 132, April 23, 2019
Hearing: May 2, 2019
Filed: June 4, 2019
Effective: June 24, 2019

DEPARTMENT OF GAME, FISH AND PARKS:

41:03:03:03.01; 41:06:02:03; 41:06:62:01, 41:06:62:02, 41:06:62:03, 41:06:62:04; 41:08:02:013.

History-Notice: 45 SDR 117, March 18, 2019
Hearing: May 23, 2019
Filed: June 4, 2019
Effective: June 24, 2019

DEPARTMENT OF TRANSPORTATION:

70:14:01:01.

History-Notice: 45 SDR 137, April 29, 2019
Hearing: May 23, 2019
Filed: June 4, 2019
Effective: June 24, 2019

Executive Appointment:

Patrick Burchill, Rapid City, was appointed on June 3, 2019, to the **Board of Economic Development**, to replace Norbert Sebade, effective April 19, 2019, and shall continue until April 19, 2023.

NOTE REGARDING ADOPTED 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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

6-11-2019	Department of Labor and Regulation: Division of Unemployment Insurance: Amend rules to change the name of the unemployment insurance program to the reemployment assistance program as a result of the passage of House Bill 1035 by
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	the 2019 Legislature; change the reference of benefit check to benefit payment; and update the citation to the Workforce Innovation and Opportunity Act; 45 SDR 148, May 28, 2019.
6-12-2019	Department of Health: Amend rules to minimize and clarify the requirements pertaining to the redistribution of nursing facility beds; 45 SDR 145, May 20, 2019.
6-12-2019	Department of Revenue: Amend rules to update definitions; update the timeline and processes for alcohol wholesaler price filings; provide enhanced notice to retailers and clarify requirements for wholesalers for reported delinquencies; and to allow alcohol retailers to use loyalty and reward programs; 45 SDR 144, May 20, 2019.
6-13-2019	Department of Health: Board of Medical and Osteopathic Examiners: Amend rules to clarify the limitation of attempts of an exam for medical license applicants; 45 SDR 145, May 20, 2019.
6-18-2019	Department of Labor and Regulation: Appraiser Certification Program: Amend rules to require applicants for an initial appraiser credential, a renewing credentialed appraiser, a supervisory appraiser, and an appraisal management company registration to provide the department with an email address; and eliminate the requirement for a notarized affidavit or irrevocable Uniform Consent to Service of Process form; 45 SDR 148, May 28, 2019.
6-25-2019	Department of Revenue: South Dakota Commission on Gaming: Amend rules to allow accommodations for players with documented medical impediments to assist them in participating in games; include poker and house banked poker into existing drop procedures; apply count procedures to house banked poker and poker games; provide for appropriate procedures for accepting cash at house banked poker tables; provide for procedures for appropriate distribution of chips to and removal of chips or coins from house banked poker games; apply appropriate drop box requirements for and provide for statistics procedures in house banked poker games; provide procedures for the dealing of house banked poker games; prohibit poker players or spectators from removing or altering cards; allow for players to wager on more than one box according to specific rules of each game; allow for tip bets in house banked poker games; and require poker players to be responsible for computing the winning combination of their own hand; 45 SDR 153, June 10, 2019.
6-27-2019	Department of Transportation: Amend rules to increase the speed limit on Interstate Highway 190 in Rapid City from 55 to 60 miles per hour; increase the speed limit for a segment of State Trunk Highway 79 from Rapid City to the Custer County line from 60 to 70 miles per hour; and increase from 65 to 70 miles per hour the speed limit on State Trunk Highway 79 from the north side of Hermosa to the Pennington County line; 45 SDR 154, June 10, 2019.
6-28-2019	Department of Labor and Regulation: Board of Abstracters Examiners: Amend rules to add the executive secretary to supervise administrative duties of the board; define chain of title; update language for meetings/special meetings of the board; repeal unanimous consent meetings; repeal outdated language on orders and decisions of the board; add a clause to eligibility for military personnel; update language to require notarized signature for applicants; provide additional locations and designated representatives for examinations; revise the timeline for grading examinations; update language for general requirements for books, records, and indexes; update language relating to grading of plant examinations; update language regarding fees and expenses for plant examinations and language for issuance of

	certificate for plant; 45 SDR 153, June 10, 2019.
7-1-2019	Department of Agriculture: Amend rules to add Palmer Amaranth as a prohibited noxious weed seed; clarify that no presence of prohibited noxious weed seed is allowable in seed; move quackgrass from the prohibited noxious weed seed list to the restricted noxious weed seed list; lower the maximum allowable presence of restricted noxious weed seeds; and update references, scientific names, and testing processes; 45 SDR 154, June 10, 2019.
7-18-2019	Department of Environment and Natural Resources: Board of Minerals and Environment: Amend rules to increase regulatory flexibility and clarity of rules applicable to hazardous waste generators; establish a methodology for the use of electronic manifests; establish procedures for managing and disposing of defective airbag inflators; provide healthcare facilities and pharmacies with management and disposal options for hazardous waste pharmaceuticals; revise requirements involving imports and exports of hazardous wastes; and incorporate corrections made in federal regulations; 45 SDR 144, May 20, 2019.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2019 Interim is Monday, July 8, 2019, at 10:00 a.m. CT in Room 414 of the State Capitol. Other meetings scheduled for the 2019 interim will be held August 12, September 9, and November 4.

Watch for notices of 2019 Rules Review Committee meetings in this publication, on the LRC website, and at the Capitol.

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>.