



SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 46

Monday, 8:00 a.m., October 7, 2019

FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

Appraiser Certification Program (Department of Labor and Regulation): (September 30, 2019) intends to amend rules to define appraisal in rule the same as in statute; require state-registered appraisers and supervisors to jointly maintain the required experience log for accuracy; remove language regarding when supervision may begin; reduce the number of joint inspections required; correct a cited rule; establish the length of time the appraiser examination is valid; adopt the new edition of the uniform standards; correct the timeframe for completion of the uniform standards update course; and establish criteria for instructors of the department's training course. The general authority for these rules, as cited by the department, is SDCL 36-21B-3.

A public hearing will be held at the Appraiser Certification Program Conference Room, 308 South Pierre Street, Pierre, South Dakota, on October 18, 2019, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from, and written comments sent to, the South Dakota Department of Labor and Regulation, Appraiser Certification Program, 308 South Pierre Street, Pierre, South Dakota 57501. The comment period will close on October 28, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-4608 at least 48 hours before the public hearing.

Department of Transportation: (September 30, 2019) intends to amend and establish rules to expand the 35 mile-per-hour limited speed zone through Bryant; shift the locations of the 45 mile-per-hour limited speed zones on the east and west ends of Bryant; expand the approved routes for longer combination vehicles; and allow the testing and operation of groups of individual motor vehicles traveling in a unified manner at electronically coordinated speeds and distance intervals that are closer than otherwise allowed under SDCL 32-26-40 through 32-26-42. The general authority for these rules, as cited by the department, is SDCL 32-22-42, 32-22-42.14, 32-25-7, and 32-26-50.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on October 24, 2019, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from, and written comments sent to, the Secretary of Transportation, Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501. Comments may also be emailed to Darin.Bergquist@state.sd.us. The comment period will close on October 21, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3540 or (800) 877-1113 (Telecommunications Relay Services for the Deaf) at least 48 hours before the public hearing.

South Dakota Electrical Commission (Department of Labor and Regulation): (October 1, 2019) intends to amend rules to increase the fees for certain inspections and establish an allotted amount of inspections per permit type. The general authority for these rules, as cited by the commission, is SDCL 36-16-12, 36-16-27, and 36-16-30.

A public hearing will be held in Room 412, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota, on October 22, 2019, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from, and written comments sent to, the South Dakota Electrical Commission, 308 South Pierre Street, Pierre, South Dakota 57501. The comment period will close on October 21, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the commission can make arrangements may call (605) 773-3573 at least 48 hours before the public hearing.

SCHEDULED PUBLIC HEARINGS

10-9-2019	<u>Department of Agriculture:</u> Amend a rule to increase the feed tonnage inspection fee from two cents per ton to 10 cents per ton; 46 SDR 45, September 23, 2019.
10-10-2019	<u>Division of Developmental Disabilities (Department of Human Services):</u> Amend rules to limit participants in shared living to individuals with IDD/DD age 22 and older; require training for disability awareness, the participants Individual Service Plan, and abuse, neglect, and exploitation for respite care providers and anyone over 18 years of age living in the home; allow a cell phone to be used instead of requiring a landline; prohibit a shared living provider from being a representative payee over a participant's money; specify the staff orientation requirements of providers of case management; clarify what Individual Service Plan expectations are for a participant's goals; eliminate a rule concerning alternative day services; add new training requirements to include focusing on the participant's needs to achieve their good life; add new requirements to ISP development to include Charting the LifeCourse principles; modify coordination of required actions and timeframes; repeal a rule which is repetitive with DSS Medicaid rules; eliminate a rule stating that no services are provided if state funds are not available; change the name of Statewide Family Support to Strengthening Families Program; and update the age requirement from 2-1/2 to 3 years of age for incontinence supplies; 46 SDR 39, September 16, 2019.
10-10-2019	<u>Department of Revenue:</u> Amend rules to establish procedures and requirements for taxpayers required by the Secretary to file a consolidated report and provide a more efficient procedure for apportionment of bank franchise tax revenue to county governments; 46 SDR 45, September 23, 2019.
10-11-2019	<u>Division of Insurance (Department of Labor and Regulation):</u> Amend rules to update continuing education course requirements for insurance producers; 46 SDR 45, September 23, 2019.
10-15-2019	<u>Department of Health:</u> Amend rules to prescribe a form to be used by a physician to comply with the requirement of SDCL 34-23A-10.1(1); 46 SDR 40, September 16, 2019.
10-15-2019	<u>Department of Health:</u> Amend rules to reflect current practices; delete unnecessary rules; and increase flexibility in providing Assisted Living services; 46 SDR 41, September 16, 2019.
10-17-2019	<u>South Dakota Board of Examiners in Optometry (Department of Health):</u> Amend rules to clarify existing language for release of prescriptions; set out processes for reviewing license applications; establish and clarify processes for license renewal and late renewal fee; update and clean up continuing education requirements and documentation; revise requirements of notification of change in professional corporation membership; and add three CPT codes to clinical procedures approved for optometrists; 46 SDR 39, September 16, 2019.
10-17-2019	<u>South Dakota Board of Minerals and Environment (Department of Environment and Natural Resources):</u> Amend rules to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations; incorporating by reference the revised federal National Ambient Air Quality Standards; and incorporating federal requirements for municipal solid waste landfills; 46 SDR 39, September 16, 2019.
10-17-2019	<u>Civil Service Commission (Bureau of Human Resources):</u> Amend a rule to change a written examination from a mandatory requirement to an optional criterion during the law enforcement employment selection process; 46 SDR 49, September 30, 2019.
10-18-2019	<u>Appraiser Certification Program (Department of Labor and Regulation):</u> Amend rules to define appraisal in rule the same as in statute; require state-registered appraisers and supervisors to jointly maintain the required experience log for accuracy; remove language regarding when supervision may begin; reduce the number of joint inspections required; correct a cited rule; establish the length of time the appraiser examination is valid; adopt the new edition of the uniform standards; correct the

	timeframe for completion of the uniform standards update course; and establish criteria for instructors of the department's training course; 46 SDR 54, October 7, 2019.
10-18-2019	South Dakota State Board of Dentistry (Department of Health) : Amend rules to incorporate the Integrated National Board Dental Examination; streamline and update requirements regarding clinical competency examinations; update supervision levels; update the duties and procedures performed by dental assistants and registered dental assistants; update registered dental assistant registration requirements and training program criteria; remove redundant regulations and obsolete provisions, and update references; update student exemption to registration; and update continuing education requirements applicable to registered dental assistants; 46 SDR 37, September 9, 2019.
10-21-2019	South Dakota Board of Barber Examiners (Department of Labor and Regulation) : Amend rules to update language to current nationally recognized terminology; update safety and infection control requirements; add blood exposure procedures; and update rules that affect barber schools including instructor-to-student ratio, allow for substitute instructors, establish equipment requirements, change board approval of a school from accreditation to school license, and establish the number of hours barber students must spend in classrooms, demonstrations, and practice before performing service on a client; 46 SDR 49, September 30, 2019.
10-22-2019	South Dakota Electrical Commission (Department of Labor and Regulation) : Amend rules to increase the fees for certain inspections and establish an allotted amount of inspections per permit type; 46 SDR 54, October 7, 2019.
10-23-2019	South Dakota Real Estate Commission (Department of Labor and Regulation) : Amend a rule to require team leaders to keep a current list of their team members, require the responsible broker to maintain the list, and make the list available upon request from the commission; 46 SDR 50, September 30, 2019.
10-24-2019	Department of Transportation : Amend and establish rules to expand the 35 mile-per-hour limited speed zone through Bryant; shift the locations of the 45 mile-per-hour limited speed zones on the east and west ends of Bryant; expand the approved routes for longer combination vehicles; and allow the testing and operation of groups of individual motor vehicles traveling in a unified manner at electronically coordinated speeds and distance intervals that are closer than otherwise allowed under SDCL 32-26-40 through 32-26-42; 46 SDR 54, October 7, 2019.

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2019 interim is Monday, November 4, 2019, at 10:00 a.m. CT in Room 414 of the Capitol.

Notices of 2019 Rules Review Committee meetings will be provided in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website.