

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., April 9, 2012

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Labor and Regulation:

Appraiser Certification Program: (April 4, 2012) intends to amend rules to define written examination; change supervising to supervisory appraiser; allow only state-certified residential and state-certified general appraisers to supervise state-registered appraisers; allow state-registered appraisers to assist only state-certified residential and state-certified general appraisers in the preparation of appraisals; eliminate state-licensed appraisers from the supervisory role; require supervisory appraisers to be in good standing and have three years of experience; allow a supervisory appraiser to renew the supervisory certificate within six months of expiration and pay a late renewal fee; require supervisory appraisers to sign the state-registered appraiser's appraisal log; require appraisers to complete the education and experience required prior to completing the appraiser examination; establish time limit by requiring state-registered appraisers to complete education five years prior to application; distinguish appraisal education from college education requirements for the state-licensed appraiser; require college level courses for the state-licensed appraiser classification; renumber rules; require a Bachelor's degree for state-certified residential appraiser classification applicants; eliminate college level courses in lieu of degrees for the state-certified residential and state-certified general appraiser classifications; allow credit toward qualifying education requirements if an applicant holds a real estate degree; establish mandatory disciplinary actions for certain reasons; prohibit

duplication of continuing education courses during the continuing education reporting period; add acceptable continuing education course topics; require instructors of the uniform standards courses to be in good standing; and require equivalent uniform standards courses to be approved by the Appraiser Qualifications Board. The general authority for these rules, as cited by the department, is SDCL §§ 36-21B-3 and 36-21B-4.

A public hearing will be held in the Department of Revenue First Floor Conference Room, Anderson Building, Pierre, South Dakota, on May 1, 2012, at 10:00 a.m. A copy of the proposed rules may be obtained from and written comments sent to the Department of Labor and Regulation, Appraiser Certification Program, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the department by April 30, 2012, to be considered at the public hearing. The department will keep the comment period open until May 11, 2012, for written comments. 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) 773-4608 at least 48 hours before the hearing.

Department of Labor and Regulation: Division

of Insurance: (April 6, 2012) intends to amend rules to update sources referenced in rule; incorporate the new 2012 Medicare deductibles and update the rules in accordance with federal regulations; allow for insurers to utilize persons other than insurance agents to complete applications for insurance; and modify the number of continuing education hours that crop insurance agents may obtain from a single

source. The general authority for these rules, as cited by the department, is SDCL 58-3-11, 58-3-26, 58-4-48, 58-6-75, 58-17A-2, 58-17B-4, 58-26-13.1, 58-26-46, 58-27-7, 58-27-108, and 58-30-117.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, 445 E. Capitol Ave., Pierre, South Dakota, on May 2, 2012, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the Division of Insurance by May 1, 2012, to be considered. The text of the proposed rules will be posted on the department's website: http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rules may also be obtained as a Microsoft Word attachment by emailing melissa.klemann@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

NOTICE:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan effective September 30, 2012, to comply with requirements in Section 1940 of the Social Security Act mandating that the states implement electronic asset verification systems to verify assets of aged, blind, and disabled Medicaid applicants and recipients, and that if such a system is implemented it will meet Federal requirements. The proposed change adds Supplement 16 pages 1, 2, and 3 to Attachment 2.6-A to demonstrate compliance with the requirements to amend the State's Medicaid plan. The Department estimates there will be no Federal fiscal impact associated with this amendment in Federal fiscal year 2012. Copies of the proposed State Plan Amendment are available at the Department of Social

Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE: SOUTH DAKOTA COMMISSION ON GAMING: 20:04:33:01; 20:18:16:15.15, 20:18:16:15.17; 20:18:17:24.07, 20:18:17:28, 20:18:17:32, 20:18:17:35, 20:18:17:38; 20:18:18:25; 20:18:25:01 and 20:18:25:02.

History-Notice: 38 SDR 139, Feb. 21, 2012
 Hearing: March 14, 2012
 Filed: April 3, 2012
 Effective: April 23, 2012

DEPARTMENT OF TRANSPORTATION: 70:01:02:01(1).

History-Notice: 38 SDR 109, Dec. 12, 2011
 Hearing: January 26, 2012
 Filed: April 4, 2012
 Effective: April 24, 2012

DEPARTMENT OF TRANSPORTATION: 70:01:02:61(2).

History-Notice: 38 SDR 131, Feb. 6, 2012
 Hearing: February 23, 2012
 Filed: April 4, 2012
 Effective: April 24, 2012

DEPARTMENT OF HEALTH: BOARD OF DENTISTRY: 20:43:02:01 to 20:43:02:05, inclusive; 20:43:03:01, 20:43:03:02, 20:43:03:04, 20:43:03:04.01, 20:43:03:04.02, 20:43:03:06 to 20:43:03:07.02; 20:43:04:03; 20:43:06:05; 20:43:07:09; 20:43:08:09; 20:43:09:08; and 20:43:10:01 to 20:43:10:06, inclusive.

History-Notice: 38 SDR 139, Feb. 21, 2012
 Hearing: March 26, 2012
 Filed: April 5, 2012
 Effective: April 25, 2012

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.

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

REMINDER OF HEARINGS SCHEDULED

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| 4-11-2012 | Agriculture: Division of Agricultural Services | Amend rules to require maintaining interstate shipment of milk and milk products as determine by FDA Milk Safety Branch; 38 SDR 155. |
| 4-11-2012 | Agriculture: SD Weed & Pest Control Commission | Amend a rule to add oxeye daisy to the local noxious weed and declared pest list; 38 SDR 155. |
| 4-17-2012 | Secretary of State: Board of Finance | Amend a rule to change the per diem rate for official, in-state travel; 38 SDR 165. |
| 4-18-2012 | Attorney General: Law Enforcement Officers Standards and Training Commission | Amend Police Canine Team Certification rules to permit canine teams to be trained and certified by other agencies such as the Bureau of Alcohol, Tobacco and Firearms, the International Police Bloodhound Training Institute, the International Congress of Police Service Dogs and the United States Police Canine Association; recognize standards established by other agencies for the training of canines; and eliminate any application fees for canine teams and eliminate the requirement to maintain the South Dakota Police Canine Association, Inc.; 38 SDR 159. |
| 4-30-2012 | Agriculture: Animal Industry Board | Amend rules to relax bovine tuberculosis and brucellosis testing requirements for captive cervids moving between permitted premises within the state; change the surveillance program for Chronic Wasting Disease (CWD) in captive cervid herds from a mandatory program to a voluntary program, and to reduce the amount of surveillance required to maintain recognition of herds which have voluntarily conducted CWD surveillance for at least five years; 38 SDR 165. |
| 5-1-2012 | Labor and Regulation: Appraiser Certification Program | Amend rules to define written examination; change supervising to supervisory appraiser; allow only state-certified residential and state- |

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| | | <p>certified general appraisers to supervise state-registered appraisers; allow state-registered appraisers to assist only state-certified residential and state-certified general appraisers in the preparation of appraisals; eliminate state-licensed appraisers from the supervisory role; require supervisory appraisers to be in good standing and have three years of experience; allow a supervisory appraiser to renew the supervisory certificate within six months of expiration and pay a late renewal fee; require supervisory appraisers to sign the state-registered appraiser's appraisal log; require appraisers to complete the education and experience required prior to completing the appraiser examination; establish time limit by requiring state-registered appraisers to complete education five years prior to application; distinguish appraisal education from college education requirements for the state-licensed appraiser; require college level courses for the state-licensed appraiser classification; renumber rules; require a Bachelor's degree for state-certified residential appraiser classification applicants; eliminate college level courses in lieu of degrees for the state-certified residential and state-certified general appraiser classifications; allow credit toward qualifying education requirements if an applicant holds a real estate degree; establish mandatory disciplinary actions for certain reasons; prohibit duplication of continuing education courses during the continuing education reporting period; add acceptable continuing education course topics; require instructors of the uniform standards courses to be in good standing; and require equivalent uniform standards courses to be approved by the Appraiser Qualifications Board; 38 SDR 171.</p> |
| 5-2-2012 | Bureau of Personnel | <p>Amend rules concerning state employee health and life benefits into conformity with the legislature's adoption of House Bill 1028, SDCL 3-6E; 38 SDR 165.</p> |
| 5-2-2012 | Labor and Regulation: Division of Insurance | <p>Amend rules to update sources referenced in rule; incorporate the new 2012 Medicare deductibles and update the rules in accordance with federal regulations; allow for insurers to</p> |

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| | | utilize persons other than insurance agents to complete applications for insurance; and modify the number of continuing education hours that crop insurance agents may obtain from a single source; 38 SDR 171. |
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 29, 2012, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2012 interim: July 10, August 14, September 18, November 13, and December 18.

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>.

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