

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., April 20, 2015

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**NOTICE 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 13, 2015) intends to 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. 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 Appraiser Certification Program Conference Room, 308 South Pierre Street, Pierre, South Dakota, on May 8, 2015, 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, 308 South Pierre Street, Pierre, South Dakota 57501. Material sent by mail must reach the department by May 7, 2015, to be considered at the public hearing. The department will keep the comment period open until May 18, 2015, 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 Education: Board of***

***Education:*** (April 14, 2015) intends to 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. The general authority for these rules, as cited by the board, is SDCL §§ 13-3-51, 13-3-55, 13-3-69, and 13-42-33.

A public hearing will be held at Northern State University, Student Center Centennial Rooms A & B West, 1200 South Jay Street, Aberdeen, South Dakota, on May 18, 2015, at 11:00 a.m. CT. Copies of the proposed rules may be obtained without charge from the Department of Education, Attn: Ferne Haddock,

800 Governors Drive, Pierre, South Dakota 57501 or at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at the address above or at this website: <https://rules.sd.gov/default.aspx> and must be received by May 15, 2015, 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) 773-3553 at least 48 hours before the hearing.

**Department of Revenue: SD Commission on Gaming:** (April 15, 2015) is proposing to 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. The general authority for these rules, as cited by the commission, is SDCL §§ 42-7B-4, 42-7B-7, and 42-7B-11.

A public hearing will be held at the Lodge at Deadwood, 100 Pine Crest Lane, Deadwood, South Dakota, on May 12, 2015, at 9:00 a.m. MDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 221 West Capitol Avenue, Suite 101, c/o 1320 East Sioux Avenue, Pierre, South Dakota 57501-3100. Materials sent by mail must reach the Commission on Gaming by May 11, 2015, to be considered. However, the Commission requests that all written comments be received by May 8, 2015, to allow for adequate consideration prior to the hearing. The text of the rules is also available at <http://rules.sd.gov/>. 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) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

**Bureau of Administration: Office of State Engineer:** (April 16, 2015) intends to 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. The general authority for these rules, as cited by the bureau, is SDCL § 5-14-38.

A public hearing will be held in Matthews Training Center, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, on May 13, 2015,

at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Bureau of Administration, Office of the State Engineer, 523 East Capitol, Pierre, South Dakota 57501-3182. Copies of the proposed rules may also be obtained by calling (605) 773-3466 or faxing (605) 773-5980. Written comments must be received by May 25, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3466 at least 48 hours before the hearing.

**Office of Attorney General:** (April 16, 2015) intends to amend rules to provide for the inclusion of optional formats in uniform complaint and summons forms. The general authority for these rules, as cited by the office, is SDCL § 23-1A-2.

A public hearing will be held at the George S. Mickelson Criminal Justice Center Commission Conference Room, 1302 East Highway 14, Pierre, South Dakota, on May 18, 2015, at 10:00 a.m. CDT. A copy of the proposed rules may be obtained without charge from and written comments sent to the Office of Attorney General, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments and materials must be received no later than May 28, 2015, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 773 3215 at least 48 hours before the hearing.

## **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

### **Executive Appointments:**

**Jason Dilges**, Pierre, was reappointed on March 4, 2015, as **Commissioner of the Bureau of Finance and Management**, effective January 12, 2015, and shall continue at the pleasure of the Governor.

**Paul Kinsman**, Pierre, was reappointed on March 4, 2015, as **Commissioner of the Bureau of Administration**, effective January 12, 2015, and shall continue at the pleasure of the Governor.

**David Zolnowsky**, Pierre, was reappointed on March 4, 2015, as **Commissioner of the Bureau of Information and Telecommunications**, effective January 12, 2015, and shall continue at the pleasure of the Governor.

**Jane Wipf Pfeifle**, Pennington County, was appointed on April 13, 2015, as **Judge of the Seventh Judicial Circuit Court of South Dakota**, effective immediately upon taking the oath of office and shall continue until December 31, 2022.

### **Executive Order:**

The Governor has signed **Executive Order 2015-07** dated April 15, 2015. This order amends Executive Order 2015-06 by adding another member of the Senate to the Jolene's Law Task Force.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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**

4-23-2015	Labor and Regulation: State Plumbing Commission	Amend a rule to allow un-purple primer for PVC pipe and fitting installations; 41 SDR 157, March 30, 2015.
5-8-2015	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; 41 SDR 163, April 13, 2015.
5-8-2015	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; 41 SDR 165, April 20, 2015.

<p>5-12-2015</p>	<p>Revenue: SD Commission on Gaming</p>	<p>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; 41 SDR 166, April 20, 2015.</p>
<p>5-13-2015</p>	<p>Bureau of Administration: Office of the State Engineer</p>	<p>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</p>

		of others for certification; 41 SDR 166, April 20, 2015.
5-18-2015	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; 41 SDR 165, April 20, 2015.
5/18/2015	Office of the Attorney General	Amend rules to provide for the inclusion of optional formats in uniform complaint and summons forms; 41 SDR 166, April 20, 2015.
5-28-2015	Tourism: State Historical Society	Amend rules to increase the membership fees for the State Historical Society; increase fees at the State Archives for microfilm production and add fees for new services of digital camera use and microfiche scanning; and amend fees charged by the Archaeological Research Center for its services regarding curation, permits, and data services, and remove fees charged for certain other services; 41 SDR 137, March 2, 2015.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, April 20, 2015, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: June 8, July 20, August 17, September 21, November 9, and December 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.