

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., April 27, 2015

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: SD Real Estate Commission: (April 20, 2015) intends to 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. The general authority for these rules, as cited by the commission, is SDCL §§ 36-21A-30.1, 36-21A-30.2, 36-21A-31, 36-21A-34, 36-21A-63, and 36-21A-89.

A public hearing will be held in Room 206, Capitol Lake Plaza, 711 E. Wells Avenue, Pierre, South Dakota, on May 13, 2015, at 9:00 a.m. A copy of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Real Estate Commission, 221 W. Capitol, Suite 101, Pierre, SD 57501. Written comments must be received on or before May 12, 2015, to be considered. 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) 773-3600 at least 48 hours before the hearing.

Department of Labor and Regulation:

SD Banking Commission: (April 21, 2015) intends to 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. The general authority for these rules, as cited by the commission, is SDCL §§ 51A-2-13 and 51A-2-36.

A public hearing will be held in Conference Room 3, 1st Floor, Kneip Building, 700 Governors Drive, Pierre, South Dakota on May 15, 2015, at 9:30 a.m. CT. Copies of the proposed rules may be obtained from and written comments sent to the Division of Banking, 1601 N. Harrison Avenue, Suite 1, Pierre, South Dakota 57501. Material sent by mail must reach the division by May 14, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3421 at least 48 hours before the hearing.

Department of Health: Division of Health Systems Development and Regulation:

(April 23, 2015) intends to amend Article 44:05 – Ambulance Operation rules to reflect the reorganization of the Office of Emergency Medical Services to the Department of Health. The general authority for these rules, as cited by the department, is SDCL §§ 34-11-5, 34-11-6.1, and 34-12F-3.

A public hearing will be held at the Hayes Building, Room 107, 600 East Capitol, Pierre, South Dakota, on May 20, 2015, at 9:00 a.m. Copies of the proposed rules may be obtained

without charge from and written comments sent to the Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website at

<http://doh.sd.gov/News> or <http://rules.sd.gov>.

Material sent by mail must reach the department by May 30, 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) 773-3361 at least 48 hours before the hearing.

Department of Labor and Regulation: Division of Insurance: (April 23, 2015) intends to adopt rules to provide the form and process for filing an affidavit of exemption from the South Dakota Workers' Compensation Law. The general authority for these rules, as cited by the department, is SDCL §§ 58-3-26 and 62-1-20.

A public hearing will be held in the Kneip Conference Room 3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on May 18, 2015, 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, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota 57501. 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 mallori.barnett@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.

Department of Transportation: (April 23, 2015) is proposing to 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. 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 of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on May 28, 2015, at 9:30 a.m. CST. 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 57501-2586. Material sent by mail must reach the department by May 27, 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:

74:05:07:01, 74:05:07:03, 74:05:07:08, 74:05:07:08.01; 74:05:08:01, 74:05:08:03, 74:05:08:03.02, 74:05:08:04, 74:05:08:12.01, 74:05:08:12.02, 74:05:08:12.03, 74:05:08:13, 74:05:08:13.01, 74:05:08:17; 74:05:10:04, 74:05:10:07, 74:05:10:32; 74:05:11:01, 74:05:11:05, 74:05:11:06, 74:05:11:06.01, 74:05:11:08, 74:05:11:11.02, 74:05:11:12, and 74:05:11:16.

History-Notice: 41 SDR 131, Feb. 23, 2015
 Hearing: March 26, 2015
 Filed: April 20, 2015
 Effective: May 11, 2015

DEPARTMENT OF GAME, FISH AND PARKS:

41:03:01:16; 41:04:02:09; 41:05:02:59; and 41:10:04:01 to 41:10:04:05, inclusive.

History-Notice: 41 SDR 125, Feb. 17, 2015
 Hearing: March 5, 2015
 Filed: April 20, 2015
 Effective: May 11, 2015

DEPARTMENT OF GAME, FISH AND PARKS:

41:06:04:02; 41:06:26:02, 41:06:26:06, 41:06:26:07; 41:06:27:02; 41:06:29:01, 41:06:29:03; 41:06:43:02; 41:06:59:02; and 41:06:60:01.

History-Notice: 41 SDR 147, March 16, 2015
 Hearing: April 1, 2015
 Filed: April 20, 2015
 Effective: May 11, 2015

DEPARTMENT OF TRANSPORTATION:

70:01:02:01.
 History-Notice: 41 SDR 123, Feb. 9, 2015
 Hearing: February 26, 2015
 Filed: April 20, 2015
 Effective: May 11, 2015

DEPARTMENT OF TRANSPORTATION:

70:01:02:29.
 History-Notice: 41 SDR 147, March 16, 2015
 Hearing: March 26, 2015
 Filed: April 20, 2015
 Effective: May 11, 2015

DEPARTMENT OF REVENUE: DIVISION OF BUSINESS TAX:

64:06:01:62, 64:06:01:63.01; and 64:06:02:81.01.
 History-Notice: 41 SDR 126, Feb. 17, 2015
 Hearing: March 9, 2015
 Filed: April 24, 2015
 Effective: May 14, 2015

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

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,
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		<p>amend the mileage requirement for non-emergency medical transportation reimbursement, and clarify the exemption for family foster homes; 41 SDR 163, April 13, 2015.</p>
<p>5-8-2015</p>	<p>Labor and Regulation: Appraiser Certification Program</p>	<p>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>
<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</p>

		<p>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 of others for certification; 41 SDR 166, April 20, 2015.</p>
<p>5-13-2015</p>	<p>Labor and Regulation: SD Real Estate Commission</p>	<p>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,</p>

		the education requirements necessary to activate a license, non-qualifying courses and change the application deadline for continuing education course approval; 41 SDR 171; April 27, 2015.
5-15-2015	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; 41 SDR 171, April 27, 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	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; 41 SDR 172, April 27, 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.
5-20-2015	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; 41 SDR 171, April 27, 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.
5-28-2015	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

		<p>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; 41 SDR 172; April 27, 2015.</p>
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, June 8, 2015, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: 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>.

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