

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., May 11, 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: South Dakota Retirement System:** (May 5, 2015) intends to amend rules to revise definitions and conditions for distribution for the deferred compensation plan and to add an automatic escalation feature to the automatic enrollment provisions of the deferred compensation plan. The general authority for these rules, as cited by the board, is SDCL §§ 3-13-49, 3-13-54, 3-13-56, and 3-13-57.

A public hearing will be held at View Thirty Four, 4251 E. Highway 34, Pierre, South Dakota, on June 4, 2015, at 9:00 a.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501. Material sent by mail must be received by June 2, 2015, 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) 773-3731 at least 48 hours before the hearing.

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

#### DEPARTMENT OF REVENUE: SD COMMISSION ON GAMING:

20:18:15:30.12; 20:18:16:15.02, 20:18:16:15.03, 20:18:16:15.05, 20:18:16:15.10, 20:18:16:15.12, 20:18:16:15.14, and 20:18:16:15.15.

History-Notice: 41 SDR 131, Feb. 23, 2015  
Hearing: March 18, 2015  
Filed: April 23, 2015  
Effective: May 13, 2015

#### Executive Appointment:

**William J. Shorma**, Dakota Dunes, District 16, was appointed on May 1, 2015, to the **South Dakota Senate**, to replace Senator Dan Lederman who resigned, effective immediately.

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

5-12-2015	Revenue: SD Commission on Gaming	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
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		<p>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 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</p>

		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; 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	Agriculture: State Fair	Amend a rule to increase the gate admission, parking, camping and vehicles fees; 41 SDR 180, May 4, 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.
5-22-2015	Agriculture: Division of Agricultural Services	Amend rules to alter requirements for producers wishing to sell raw milk for human consumption and to modify standards for raw milk for human consumption; 41 SDR 179, May 4, 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 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.
6-1-2015	Health: Division of Health and Medical Services	Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel; 41 SDR 179, May 4, 2015.
6-4-2015	Labor and Regulation: SD Retirement System	Amend rules to revise definitions and conditions for distribution for the deferred compensation plan and to add an automatic escalation feature to the automatic enrollment provisions of the deferred compensation plan; 41 SDR 187, May 11, 2015.

6-12-2015	Health: Board of Pharmacy	Amend rules to establish the ability of pharmacies to increase the technician to pharmacist ratio; 41 SDR 179, May 4, 2015.
6-19-2015	Health: Board of Dentistry	Amend rules to change the name Advanced Dental Assistant to Registered Dental Assistant and update the definition to maintain consistency with state law; 41 SDR 180, May 4, 2015.

### 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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