

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., June 17, 2019

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE

at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed with the Legislative Research Council.)

Department of Agriculture: State Brand Board: (June 13, 2019) intends to amend rules to increase brand program fees; set a brand application fee; and set the fee for brand inspections requested outside the brand inspection area, not to exceed \$1.00/head. The general authority for these rules, as cited by the department, is SDCL § 40-18-16.

A public hearing will be held in the SDSU Extension Pierre Regional Center Classroom, 412 West Missouri Avenue, Pierre, South Dakota, at 1:30 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the State Brand Board, 209 W. Dakota Avenue, Pierre, SD 57501. Material sent by mail must reach the board by July 9, 2019, 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) 773-3324 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE: 20:06:42:01, 20:06:42:01.01, 20:06:42:01.02, 20:06:42:01.03; 20:06:57:03, 20:06:57:03.01, 20:06:57:03.02, 20:06:57:03.03, 20:06:57:08, 20:06:57:08.01, 20:06:57:10, 20:06:57:16; 20:08:07:03.02, 20:08:07:40.

History-Notice: 45 SDR 136, April 29, 2019
Hearing: May 14, 2019
Filed: June 7, 2019
Effective: June 27, 2019

DEPARTMENT OF EDUCATION: SOUTH DAKOTA BOARD OF TECHNICAL EDUCATION: 24:59:02:02, 24:59:02:03.

History-Notice: 45 SDR 136, April 29, 2019
Hearing: May 15, 2019
Filed: June 10, 2019
Effective: July 1, 2019

DEPARTMENT OF TRANSPORTATION: 70:06:01:01, 70:06:01:02, 70:06:01:03; 70:06:02:01, 70:06:02:02, 70:06:02:03, 70:06:02:04; 70:06:03:01; 70:06:04:01, 70:06:04:02, 70:06:04:03, 70:06:04:04.

History-Notice: 45 SDR 127, April 8, 2019
Hearing: April 25, 2019
Filed: June 10, 2019
Effective: July 1, 2019

**DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES:
BOARD OF WATER MANAGEMENT:**
74:04:12:01 to 74:04:12:50, inclusive.

Filed: June 14, 2019
Effective: July 5, 2019

History-Notice: 45 SDR 133, April 23, 2019
Hearing: May 8, 2019
Filed: June 11, 2019
Effective: July 1, 2019

Executive Appointment:

Tiffany Sanderson, Pierre, was appointed on June 10, 2019, to the **Teacher Compensation Review Board**, to replace Tony Venhuizen, effective May 25, 2019, and shall continue until March 1, 2021.

DEPARTMENT OF SOCIAL SERVICES:
67:42:11:39; 67:47:01:05, 67:47:01:08,
67:47:01:10.02, 67:47:01:19.

History-Notice: 45 SDR 133, April 23, 2019
Hearing: May 13, 2019
Filed: June 11, 2019
Effective: July 1, 2019

Kevin Tetzlaff, Brookings, was appointed on June 10, 2019, to the **Board of Economic Development**, to replace Pat Prostrollo, effective April 19, 2019, and shall continue until April 19, 2023.

**OFFICE OF THE SECRETARY OF
STATE: BOARD OF FINANCE:**
5:01:02:11, 5:01:02:14.

History-Notice: 45 SDR 120,
March 25, 2019
Hearing: April 16, 2019
Filed: June 11, 2019
Effective: July 1, 2019

Sarah Carter, Pierre, was appointed on June 13, 2019, to the **South Dakota Interagency Coordinating Council**, effective January 1, 2019, and shall continue until December 31, 2021.

DEPARTMENT OF AGRICULTURE:
12:09:04:01

History-Notice: 45 SDR 120,
March 25, 2019
Hearing: April 17, 2019

NOTE REGARDING ADOPTED 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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

6-18-2019	Department of Labor and Regulation: Appraiser Certification Program: Amend rules to require applicants for an initial appraiser credential, a renewing credentialed appraiser, a supervisory appraiser, and an appraisal management company registration to provide the department with an email address; and eliminate the requirement for a notarized affidavit or irrevocable Uniform Consent to Service of Process form; 45 SDR 148, May 28, 2019.
6-25-2019	Department of Revenue: South Dakota Commission on Gaming: Amend rules to allow accommodations for players with documented medical impediments to assist them in participating in games; include poker and house banked poker into existing drop procedures; apply count procedures to house banked poker and poker games;

	provide for appropriate procedures for accepting cash at house banked poker tables; provide for procedures for appropriate distribution of chips to and removal of chips or coins from house banked poker games; apply appropriate drop box requirements for and provide for statistics procedures in house banked poker games; provide procedures for the dealing of house banked poker games; prohibit poker players or spectators from removing or altering cards; allow for players to wager on more than one box according to specific rules of each game; allow for tip bets in house banked poker games; and require poker players to be responsible for computing the winning combination of their own hand; 45 SDR 153, June 10, 2019.
6-27-2019	Department of Transportation: Amend rules to increase the speed limit on Interstate Highway 190 in Rapid City from 55 to 60 miles per hour; increase the speed limit for a segment of State Trunk Highway 79 from Rapid City to the Custer County line from 60 to 70 miles per hour; and increase from 65 to 70 miles per hour the speed limit on State Trunk Highway 79 from the north side of Hermosa to the Pennington County line; 45 SDR 154, June 10, 2019.
6-28-2019	Department of Labor and Regulation: Board of Abstracters Examiners: Amend rules to add the executive secretary to supervise administrative duties of the board; define chain of title; update language for meetings/special meetings of the board; repeal unanimous consent meetings; repeal outdated language on orders and decisions of the board; add a clause to eligibility for military personnel; update language to require notarized signature for applicants; provide additional locations and designated representatives for examinations; revise the timeline for grading examinations; update language for general requirements for books, records, and indexes; update language relating to grading of plant examinations; update language regarding fees and expenses for plant examinations and language for issuance of certificate for plant; 45 SDR 153, June 10, 2019.
7-1-2019	Department of Agriculture: Amend rules to add Palmer Amaranth as a prohibited noxious weed seed; clarify that no presence of prohibited noxious weed seed is allowable in seed; move quackgrass from the prohibited noxious weed seed list to the restricted noxious weed seed list; lower the maximum allowable presence of restricted noxious weed seeds; and update references, scientific names, and testing processes; 45 SDR 154, June 10, 2019.
7-10-2019	Department of Agriculture: State Brand Board: Amend rules to increase brand program fees; set a brand application fee; and set the fee for brand inspections requested outside the brand inspection area, not to exceed \$1.00/head; 45 SDR 158, June 17, 2019.
7-18-2019	Department of Environment and Natural Resources: Board of Minerals and Environment: Amend rules to increase regulatory flexibility and clarity of rules applicable to hazardous waste generators; establish a methodology for the use of electronic manifests; establish procedures for managing and disposing of defective airbag inflators; provide healthcare facilities and pharmacies with management and disposal options for hazardous waste pharmaceuticals; revise requirements involving imports and exports of hazardous wastes; and incorporate corrections made in federal regulations; 45 SDR 144, May 20, 2019.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2019 Interim is Monday, July 8, 2019, at 10:00 a.m. CT in Room 414 of the State Capitol. Other meetings scheduled for the 2019 interim will be held August 12, September 9, and November 4.

Watch for notices of 2019 Rules Review Committee meetings in this publication, on the LRC website, and at the Capitol.

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