

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., July 2, 2018

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: (June 27, 2018) intends to amend rules to establish emerald ash borer as a regulated insect, and establish restrictions on the movement of material that might further the spread of emerald ash borer. The general authority for these rules, as cited by the department, is SDCL § 38-6-8.1.

A public hearing will be held at the Matthew Training Center, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on July 26, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Agriculture, Division of Agricultural Services, Foss Building, 523 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Department by July 26, 2018, 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) 773-4432 at least 48 hours before the public hearing.

Department of Labor and Regulation:
Appraiser Certification Program: (June 28, 2018) intends to amend rules to define AMC National Registry, appraiser panel, covered transaction, federally regulated appraisal management company, federally

related transaction regulations, and secondary mortgage market participant; require new application for change of ownership; correct typographical errors; clarify requirements for quality control system; specify requirements for Standard 3 reviews and compliance with uniform standards; require appraisal fee to be paid within 45 days; require services comply with specific sections of TILA; clarify certain grounds for disciplinary action; add grounds for disciplinary action to include if an owner has had certain disciplinary action taken, investigation of a controlling person or designated officer, failing to comply with a final order, failure of a controlling person or designated officer to demonstrate good moral character or failing to register as required; and provide for collection and remittance of AMC National Registry fees. The general authority for these rules, as cited by the department, is SDCL § 36-21D-4.

A public hearing will be held in the Appraiser Certification Program Conference Room, 308 South Pierre Street, Pierre, South Dakota, on August 10, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Labor and Regulation, Appraiser Certification Program, 308 S. Pierre St., Pierre, SD 57501. Materials sent by mail must reach the Department by August 20, 2018, 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) 773-4608 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

(None)

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

REMINDER OF HEARINGS SCHEDULED

<p>7-11-2018</p>	<p>Department of Game, Fish and Parks: Amend rules to prohibit people from bringing firewood that has been in an emerald ash borer quarantined area or out of South Dakota into state parks unless it has a label certifying it has been treated for emerald ash borer; eliminate no boating zones on East Oakwood Lake, the Windgate Arm portion of Waubay Lake, Silver Lake, Crow Lake, Whitewood Lake Waterfowl Refuge, and the portions of Island Lake north of McCook County Road 6 and north of Minnehaha County Road 110; eliminate a no boating zone and restrict the type of boats and motors used on Putney Slough Game Production Area, Long Lake, Mckilligan Lake, Horseshoe Lake, Spirit Lake, Lehrman Game Production Area, Clear Lake, and Cottonwood Lake Waterfowl Refuge; restrict the type of boats and motors used on Swan Lake; eliminate the no motorized zone on the meandered portion of Milwaukee Lake; change Bear Butte Lake from a "no motor over 25 horse power" to a "no wake zone"; eliminate the East Oakwood Lake State Waterfowl Refuge, Sand Lake State Game Bird Refuge, and Whitewood Lake State Waterfowl Refuge; modify the size of the Waubay State Game Refuge; exclude from the refuge the area owned by Game, Fish and Parks on the southern portion of Cottonwood Lake; eliminate a number of archery restrictions; eliminate language regarding hunting elk with a certain mechanical broadhead or a bow or a certain fixed blade broadhead or a bow; eliminate Sand Lake National Wildlife Refuge from Unit 2 and create a new unit, Unit 3, to include Sand Lake National Wildlife Refuge and establish hunting seasons; reduce one-tag turkey resident licenses for the Black Hills from 400 to 200, the one-tag any turkey resident license from 1,230 to 925, and the two-tag resident license from 50 to 0; eliminate Lawrence, Meade, and Pennington Counties from Unit PFT-BH1; close units PFT-08A, PFT-12A, PFT-13A, PFT-37A, PFT 53A, and PFT 62A; expand unit PFT-48A to include all of Roberts County; create a new unit PFT-39A in Jackson County; and change fish harvest regulations for Reetz Lake in Day County; 44 SDR 191, June 18, 2018.</p>
<p>7-16-2018</p>	<p>Department of Education: South Dakota Board of Education Standards: Repeal certain rules regarding postsecondary technical education to permit the Board of Technical Education to assume authority over the postsecondary technical institutes; amend rules to allow educators an additional year to complete the required coursework for CTE educator certification; create a new educator certification endorsement for the Government and Public Administration Career Cluster; and amend high school graduation requirements for South Dakota schools; 44 SDR 183, June 11, 2018.</p>
<p>7-17-2018</p>	<p>Department of Health: Board of Certified Professional Midwives: Amend rules to address definitions, licensing, scope of practice, fees, and disciplinary procedures for midwives; 44 SDR 198, June 25, 2018.</p>

7-19-2018	Department of Public Safety: Amend rules to adopt the 2018 edition of the Commercial Vehicle Safety Alliance handbook; establish requirements for certified nonprofit bus inspectors; revise the harvesting season and radius for hours of service exemption; establish driver license suspension periods for points accumulation; revise the documents required to obtain a driver's license; update references to federal adoptions; and create a declaratory petition process; 44 SDR 191, June 18, 2018.
7-25-2018	Department of Health: Amend rules to revise the definition of tattooing to include microblading, and to clarify that municipalities may regulate microblading under the regulations for tattooing; 44 SDR 197, June 25, 2018.
7-26-2018	Department of Agriculture: Amend rules to establish emerald ash borer as a regulated insect, and establish restrictions on the movement of material that might further the spread of emerald ash borer; 45 SDR 1, July 2, 2018.
8-6-2018	Department of Agriculture: Amend rules to remove unnecessary definitions; add a definition for small or beginning farmer; repeal "building our South Dakota rural communities" (BOSDRC) grant rules; update language regarding conservation tillage equipment loans; combine rules for participation loan programs; allow direct loans to be provided; enhance the way the Secretary of Agriculture sets interest rates; repeal livestock loan rules; and repeal rules regarding the Beginning Farmer Down Payment Guaranty Program; 44 SDR 197, June 25, 2018.
8-10-2018	Department of Labor and Regulation: Appraiser Certification Program: Amend rules to define AMC National Registry, appraiser panel, covered transaction, federally regulated appraisal management company, federally related transaction regulations, and secondary mortgage market participant; require new application for change of ownership; correct typographical errors; clarify requirements for quality control system; specify requirements for Standard 3 reviews and compliance with uniform standards; require appraisal fee to be paid within 45 days; require services comply with specific sections of TILA; clarify certain grounds for disciplinary action; add grounds for disciplinary action to include if an owner has had certain disciplinary action taken, investigation of a controlling person or designated officer, failing to comply with a final order, failure of a controlling person or designated officer to demonstrate good moral character or failing to register as required; and provide for collection and remittance of AMC National Registry fees; 45 SDR 1, July 2, 2018.
8-22-2018	Department of Veterans Affairs: Amend rules to clarify the duties of county veterans' service officers, and simplify the application process; 44 SDR 197, June 25, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, July 9, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held August 20, September 17, and November 13.

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>.

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