

# REGISTER



## South Dakota Legislative Research Council

Volume 43

Tuesday, 8:00 a.m., September 6, 2016

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### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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

**Department of Transportation:** (September 1, 2016) is proposing to amend Speed Limits in Codington County on U.S. Highway 81 beginning 1.13 miles south of the junction of U. S. Highway 212 and U.S. Highway 81, then north for 0.7 mile is being reduced from 50 mph to 35 mph; in Custer County, the 35 mph speed limit on State Trunk Highway 36 beginning at the junction of U.S. Highway 16A near the east gate of Custer State Park, then northeasterly for 0.5 mile is being extended an additional 0.2 mile, the speed limit on U.S. Highway 385 and State Trunk Highway 89 beginning at the junction with U.S. Highway 16 in Custer, then south for 0.2 mile is being reduced from 45 mph to 35 mph; repeal a redundant speed limit on U.S. Highway 385 and State Highway 89; amend a speed limit on U.S. Highway 16 and U.S. Highway 385 beginning at the junction of U.S. Highway 16 and 385 in the west part of the city of Custer, then easterly to the intersection of Third Street is being reduced to 25 mph; and amend a Rest Area Newspaper Vending Devices rule to require the owner of a newspaper vending device at an interstate rest area to display a clear and visible notice on the device that identifies the name, mailing address, and telephone number of the person responsible for refunds and for the day-to-day operation and maintenance of the devices and display a clearly visible statement that rest area personnel are not responsible for refunds. The general authority for these rules, as cited by the department, is

SDCL §§ 31-29-83, 32-25-7 and 32-25-7.1.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway, Pierre, South Dakota, on September 26, 2016, 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 September 23, 2016, 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).

**Office of the Secretary of State: Board of Finance:** (September 2, 2016) intends to amend rules to remove the signature definition in order to facilitate electronic signatures, update an obsolete statute reference, and change the minimum salary grade threshold to match the current general pay structure. The general authority for these rules, as cited by the board, is SDCL §§ 3-9-1, 3-9-2, and 3-9-11.

A public hearing will be held in Suite 204, Second Floor, State Capitol, Pierre, South Dakota, on October 18, 2016, at 2:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Board of Finance, c/o Secretary of State, Suite 204, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by October 18, 2016, 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) 773-5555 at least 48 hours before the hearing.

#### NOTICE:

The **Department of Social Services** has published an Access Monitoring Review Plan pursuant to the federal requirements of 42 CFR 447.203. The plan contains a description of access to care for South Dakota Medicaid recipients and establishes a baseline of metrics to be used for evaluating access in accordance with 42 CFR 447.203. The plan is available on the department's website: <http://dss.sd.gov/keyresources/news/reports/default.aspx>. A copy of the proposed plan is also available from the department. The plan will be open for public comment from September 6, 2016 to October 6, 2016. Comments may be e-mailed to [DSS.MEDICAID@state.sd.us](mailto:DSS.MEDICAID@state.sd.us). Comments will also be accepted by mail or phone. Requests for a copy of the plan and corresponding comments may be sent to the Department of Social Services, Division of Medical Services, Attn: Access Plan, 700 Governors Drive, Pierre, SD 57501-2291.

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

**DEPARTMENT OF REVENUE: DIVISION OF MOTOR VEHICLES:** 64:30:02:01, 64:30:02:04, 64:03:02:04.01; 64:30:03:01; 64:30:04:01 to 64:30:04:03, inclusive; 64:30:05:01 and 64:30:05:06 to 64:30:05:08, inclusive.

History-Notice: 43 SDR 1, July 5, 2016  
Hearing: August 1, 2016  
Filed: August 30, 2016  
Effective: September 19, 2016

#### DEPARTMENT OF LABOR AND REGULATION: APPRAISER CERTIFICATION PROGRAM:

20:14:05:05.05; 20:14:10:05.01; 20:14:11:01 and 20:14:11:01.01.

History-Notice: 42 SDR 177, June 13, 2016  
Hearing: July 8, 2016  
Filed: August 31, 2016  
Effective: September 20, 2016

#### Executive Appointments:

**Jason Dilges**, Pierre, was appointed on August 24, 2016, to the **School Finance Accountability Board**, effective immediately and shall continue until June 30, 2020.

**Jarod Larson**, Brandon, was appointed on August 24, 2016, to the **School Finance Accountability Board**, effective immediately and shall continue until June 30, 2020.

**Mike Lodmel**, Colton, was appointed on August 24, 2016, to the **School Finance Accountability Board**, effective immediately and shall continue until June 30, 2020.

**Susan Proefrock**, Belle Fourche, was appointed on August 24, 2016, to the **School Finance Accountability Board**, effective immediately and shall continue until June 30, 2020.

**Eric Stoeder**, Glenham, was appointed on August 24, 2016, to the **School Finance Accountability Board**, effective immediately and shall continue until June 30, 2020.

**David Ackerman**, Leola, was reappointed on August 25, 2016, to the **South Dakota Public Safety Communications Council**, effective immediately and shall continue until June 30, 2019.

**Carla J. Borchardt**, Sioux Falls, was appointed on August 25, 2016, to the **South Dakota Board of Nursing**, to fill a new position, effective immediately and shall continue until October 30, 2016.

**J. D. Geigle**, Spearfish, was reappointed on August 25, 2016, to the **South Dakota Public Safety Communications Council**, effective

immediately and shall continue until June 30, 2019.

**Dennis Gorton**, Rapid City, was reappointed on August 25, 2016, to the **South Dakota Public Safety Communications Council**, effective immediately and shall continue until June 30, 2019.

**Larry Jandreau**, Lower Brule, was reappointed on August 25, 2016, to the **South Dakota Public Safety Communications Council**, effective immediately and shall continue until June 30, 2019.

**Harold Timmerman**, Canton, was reappointed on August 25, 2016, to the **South Dakota Public Safety Communications Council**, effective immediately and shall continue until June 30, 2019.

**Matt A. Tooley**, Sioux Falls, was reappointed on August 25, 2016, to the **South Dakota Public Safety Communications Council**, effective immediately and shall continue until June 30, 2019.

**Bradford J. Wheeler**, Lemmon, was reappointed on August 25, 2016, to the **Research and Commercialization Council**, effective immediately and shall continue until June 30, 2018.

**Bob Wilcox**, Pierre, was reappointed on August 25, 2016, to the **South Dakota Public Safety Communications Council**, effective immediately and shall continue until June 30, 2019.

**Scott A. Duke**, Sioux Falls, was appointed on August 26, 2016, to the **South Dakota Public Safety Communications Council**, to replace

Rebekah Cradduck, effective immediately and shall continue until June 30, 2019.

**David Goodwin**, Black Hawk, was appointed on August 26, 2016, to the **South Dakota Public Safety Communications Council**, to replace Dalton Myers, effective immediately and shall continue until June 30, 2019.

**David Kull**, Brandon, was appointed on August 26, 2016, to the **South Dakota Public Safety Communications Council**, to replace Brandon Semmler, effective immediately and shall continue until June 30, 2019.

**Dr. Mike Rush**, Pierre, was appointed on August 26, 2016, to the **Research and Commercialization Council**, to replace Dr. Jack Warner, effective immediately.

**Scott Stern**, Pierre, was appointed on August 26, 2016, to the **Research and Commercialization Council**, to replace Pat Costello, effective immediately.

**Vernon Brown**, Sioux Falls, was reappointed on August 29, 2016, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2019.

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**

<p><b>9-7-2016</b></p>	<p><b>South Dakota Retirement System</b> Amend rules relating to the election of members to the Board of Trustees to allow the use of a third party to conduct the election and the use of electronic balloting and eliminate the requirement that a single member provide certification when purchasing a supplemental</p>
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	pension benefit; 43 SDR 18, August 8, 2016.
<b>9-8-2016</b>	<b>Department of Health: Joint Board of Nursing and Board of Medical and Osteopathic Examiner's</b> Amend rules to improve the efficiency and operation of the joint boards, provide clarification to the licensing process, update collaboration requirements to improve access to care, include reference to medical assistants, and create a new article covering medical assistants; 43 SDR 17, August 8, 2016.
<b>9-8-2016</b>	<b>Department of Health: Board of Medical and Osteopathic Examiners</b> Amend rules to create standards for medical record documentation when prescribing opioids for chronic pain, remove restrictions related to the supervision of physician assistants, and clarify continuing education requirements for genetic counselors; 43 SDR 17, August 8, 2016.
<b>9-8-2016</b>	<b>Electronic Recording Commission</b> Adopt rules to implement uniform standards for electronic transmission of certain documents to and from a register of deeds that has voluntarily elected to accept electronic document for recording in accordance with SDCL Chapter 7-9A; 43 SDR 18, August 8, 2016.
<b>9-14-2016</b>	<b>Department of Revenue: SD Commission on Gaming</b> Amend Racing rules to bring the rules into line with current industry practices, create an ineligible list for horses scratched from a race and create the mechanism for such list, provide for workouts for horses that have not previously been eligible for entry in races, amend the list of prohibited items at the race track, remove Flunixin from the list of authorized substances, allow emergency medical technicians to conduct medical examinations of licensed persons and allow law enforcement officers to use modern technology to detect prohibited substances; amend Gaming rules to clarify the game of Buster blackjack and add new pay tables, clarify the play of the game, make changes to the name of the game and add pay table options to Bonus Spin blackjack, clarify which licensees may destroy slot machines, and allow for a variation of the game of craps called Bonus craps; 43 SDR 25, August 22, 2016.
<b>9-15-2016</b>	<b>Department of Revenue: South Dakota Lottery Commission</b> Amend rules to adopt the most current Powerball game group rules and Mega Millions game group rules that cleanup and clarify language, add definitions that assist in interpreting the rules, clarify how the existing prize pools and accounts will operate, and improve legal protections for the participating lotteries in regard to decisions made by the individual lotteries in paying prizes; 43 SDR 26, August 22, 2016.
<b>9-20-2016</b>	<b>Department of Education: Board of Education</b> Amend rules to add private, non-profit entities that provide specialized career and technical services and education to the list of eligible recipients for Workforce Education Grants; 43 SDR 21, August 15, 2016.
<b>9-1-2016 Date Changed to 9-21-2016</b>	<b>Bureau of Administration: Obligation Recovery Center</b> Adopt rules to establish specific procedures that must be followed by the Obligation Recovery Center in handling debt and by any state agency, Unified Judicial System, Board of Regents, or constitutional office that refers debt to the Obligation Recovery Center; 43 SDR 21, August 15, 2016.
<b>9-26-2016</b>	<b>Department of Transportation</b> Amend Speed Limits in Codington County on U.S. Highway 81 beginning 1.13 miles south of the junction of U. S. Highway 212 and U.S. Highway 81, then north for 0.7 mile is being reduced from 50 mph to 35 mph; in Custer County, the 35 mph speed limit on

	<p>State Trunk Highway 36 beginning at the junction of U.S. Highway 16A near the east gate of Custer State Park, then northeasterly for 0.5 mile is being extended an additional 0.2 mile, the speed limit on U.S. Highway 385 and State Trunk Highway 89 beginning at the junction with U.S. Highway 16 in Custer, then south for 0.2 mile is being reduced from 45 mph to 35 mph; repeal a redundant speed limit on U.S. Highway 385 and State Highway 89; amend a speed limit on U.S. Highway 16 and U.S. Highway 385 beginning at the junction of U.S. Highway 16 and 385 in the west part of the city of Custer, then easterly to the intersection of Third Street is being reduced to 25 mph; and amend a Rest Area Newspaper Vending Devices rule to require the owner of a newspaper vending device at an interstate rest area to display a clear and visible notice on the device that identifies the name, mailing address, and telephone number of the person responsible for refunds and for the day-to-day operation and maintenance of the devices and display a clearly visible statement that rest area personnel are not responsible for refunds; 43 SDR 35, September 6, 2016.</p>
<b>10-18-2016</b>	<p><b>Office of the Secretary of State: Board of Finance</b> Amend rules to remove the signature definition in order to facilitate electronic signatures, update an obsolete statute reference, and change the minimum salary grade threshold to match the current general pay structure; 43 SDR 35, September 6, 2016.</p>

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, September 26, 2016, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2016 Interim: November 14.

**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>.

