

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., September 9, 2013

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Education: Board of

Education: (September 4, 2013) intends to amend Extraordinary Costs rules to revise and clarify the application, approval, distribution, and expenditure process for requesting extraordinary cost funds and reduce the number of mandatory meetings of the Extraordinary Cost Oversight Board; amend the Professional Teachers and Professional Administrators rules to remove unused definitions, change the article titles, and move the teacher performance standards rule to another article; adopt Cooperation in Education rules to set deadlines, requirements, and criteria for approval of school district consortium agreements and whole grade sharing agreements; and amend Teacher Performance Standards and Evaluation rules to update references and allow a school district to use its own process for evaluating teachers as long as certain criteria is met. The general authority for these rules, as cited by the board, is SDCL §§ 13-3-69, 13-6-97, 13-15-32, 13-37-1.1, 13-37-46, 13-42-3, 13-42-33, 13-42-34, 13-42-35, 13-43-12, 13-43-25, and 13-43-45.

A public hearing will be held at the Cedar Shore Resort, River Run Room, 1500 Shoreline Drive, Oacoma, South Dakota, on October 1, 2013, at 3:30 p.m. CDT. Copies of the proposed rules may be obtained without charge from the Department of Education, Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or from the Internet at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at

the address above and must be received by September 30, 2013, 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) 773-5669 at least 48 hours before the hearing.

Department of Agriculture: Agricultural

Services: (September 5, 2013) is proposing to adopt rules to require additional labeling to dairy producers selling bottled raw milk direct to the consumer and set basic sanitary standards for the product. The general authority for these rules, as cited by the department, is SDCL §§ 39-6-9 and 40-32-18.

A public hearing will be held at the South Dakota State Capitol, Room 412, 500 East Capitol, Pierre, South Dakota, on October 9, 2013, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Agricultural Services, 523 East Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the Department by October 21, 2013, 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) 773-4294 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

Note: A copy of the rules may be obtained directly from the above agencies. 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

9-11-2013	Revenue: Commission on Gaming	Amend Gaming rules to allow licensees to immediately review available surveillance or slot machine event logs in the event of a possible patron dispute; allow manufacturers to be responsible for minimum bankroll requirements and to clarify the requirement for 85 percent of immediate exposure to be in cash; add Dealer Bust 21 to the list of authorized blackjack games; recognize the Legislature's increase in wage limits passed in 2012; add Fortune Pai Gow poker to the list of authorized poker games; allow variations in the payout of the game of Texas Hold'em to include variations known as High Hold'em and Low Hold'em; define "static jackpot award"; recognize a request from industry to allow manufacturers to pay static jackpot awards; allow for static jackpot awards to be paid by annuity; allow licensees liable for payment of prizes in excess of \$100,000 to utilize minimal bankroll requirements rather than utilize cash deposits or performance bonds; allow the Commission to require performance bond for static jackpot awards; allow for licensed manufacturers to pay jackpot awards; clarify the requirements of server-supported gaming system; clarify the requirements for server-supported gaming systems; update existing rules to comply with a prior change which allows 6 to 5 payout odds in blackjack; and exempt linked progressive slot machines with a denomination of five cents or less from the requirements of surveillance coverage until the progressive award reaches \$5,000; 40 SDR 35.
9-26-2013	Agriculture: SD Value Added Finance Authority	Amend rules to make changes to the value added sub fund rules upon moving the fund from the Governor's Office of Economic Development to the Department of Agriculture; through the South Dakota Value Added Finance Authority; 40 SDR 25.
9-26-2013	Transportation	Repeal Speed Limit rules in Bennett County on State Highway 73 beginning at its junction

		<p>with U.S. Highway 18 north to the Bennett County line and at the Jackson-Bennett County line north to 3.0 miles north of its junction with State Highway 44; and amend Informational, Directional Signs – On Right-of-Way rules to add definitions for "Amusement", "Attraction", "Cultural", "Historical", and "Leisure" in accordance with legislation authorizing attractions as a qualifying type of business service for motorists eligible for informational, directional signage; add "attractions" to provisions directing the location of sign panels; repeal rules that establish criteria for the location and spacing of panels at interchanges and intersections; repeal a rule establishing criteria for the location and spacing of supplemental panels; clarify the maximum number of allowable signs; establishing the location of supplemental panels is being amended to include panels for "attractions"; clarify that the business is allowed signage only at the closest intersection or interchange; amend the number of allowable panels to a maximum of 4 at an intersection or interchange approach, and add "attractions" as a business category; establish the order of priority if the number of services for motorist types exceed the number of panels and supplemental panels allowed; add "attractions" as a type of business category allowed on panels and supplemental panels; reference the established national standard for the sheeting requirements, and add a new subsection limiting the number of symbols and business names on a business sign; repeal the requirement for a public access telephone; require the business to be open for 4 consecutive months of the year instead of May 1 to September 30; repeal the requirement that businesses providing gasoline also offer tire repair, oil and potable water; reduce from 3 to 2 the number of daily meals that must be provided by businesses providing food services; and require attractions to have drinking water and modern sanitary facilities; add that there is no application fee for trailblazing signs, and repeal the priority given food service businesses that provide the most</p>
--	--	---

		services; the annual rental fee for business signs is being amended to include trailblazing signs located on a state highway; clarify that the department will install and remove signs on interstate and state highways; clarify when a business sign owner must notify the department of the suspension of the business operation; establish criteria for the allowance and location of trailblazing signs on a state highway; establish the requirements for the furnishing, repairing, installation and removal of trailblazing signs; and amend Business Signs size specifications; 40 SDR 43.
9-27-2013	Environment and Natural Resources: Board of Water and Natural Resources	Amend a rule to make adjustments to the director areas of the South Central Water Development District; 40 SDR 35.
10-1-2013	Education: Board of Education	amend Extraordinary Costs rules to revise and clarify the application, approval, distribution, and expenditure process for requesting extraordinary cost funds and reduce the number of mandatory meetings of the Extraordinary Cost Oversight Board; amend the Professional Teachers and Professional Administrators rules to remove unused definitions, change the article titles, and move the teacher performance standards rule to another article; adopt Cooperation in Education rules to set deadlines, requirements, and criteria for approval of school district consortium agreements and whole grade sharing agreements; and amend Teacher Performance Standards and Evaluation rules to update references and allow a school district to use its own process for evaluating teachers as long as certain criteria is met; 40 SDR 47.
10-9-2013	Agriculture	Adopt rules to require additional labeling to dairy producers selling bottled raw milk direct to the consumer and set basic sanitary standards for the product; 40 SDR 47.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 17, 2013, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Rapid City – SD School of Mines & Technology, 501 E. St. Joseph St., Room BC 109; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2013 interim: November 12, and December 17.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 40 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).