

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., September 23, 2013

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: State Plumbing Commission: (September 16, 2013) intends to amend a rule to increase the fee for residential plumbing inspections. The general authority for this rule, as cited by the commission, is SDCL § 36-25-19.1.

A public hearing will be held in the Governors Inn Conference Room, 700 West Sioux Avenue, Pierre, South Dakota, on October 24, 2013, at 11:00 a.m. Copies of the proposed rule may be obtained without charge from the State Plumbing Commission, 308 S. Pierre St., Pierre, South Dakota 57501 or by contacting the office at (605) 773-3429. Written comments may be sent to the State Plumbing Commission and must be received prior to October 24, 2013. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3429 prior to the hearing.

Department of Labor and Regulation: Division of Insurance: (September 20, 2013) intends to amend rules to update a short term major medical advertising disclosure; update the standards for determining the hazardous financial condition of an insurer; change a cross reference; and establish standards for multiple employer trusts. The general authority for these rules, as cited by the department, is SDCL §§ 58-3-26, 58-4-39, 58-17-87, 58-17I-16, 58-18-79, 58-18-89, 58-29D-34, 58-33A-7, and 58-43-24.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, 445 East

Capitol Avenue, Pierre, South Dakota, on October 17, 2013, at 9:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. The text of the proposed rules will be posted on the department's website: http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rules may also be obtained as a Microsoft Word attachment by emailing mallori.barnett@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF PUBLIC SAFETY:

44:05:01:02.

History-Notice: 39 SDR 227, June 17, 2013
Hearing: July 10, 2013
Filed: September 18, 2013
Effective: October 8, 2013

DEPARTMENT OF REVENUE: SOUTH DAKOTA LOTTERY COMMISSION:

48:03:06:05; 48:03:10:03; 48:03:13:03; and 48:03:15:04.

History-Notice: 40 SDR 21, July 22, 2013
Hearing: August 14, 2013
Filed: September 18, 2013
Effective: October 8, 2013

**DEPARTMENT OF SOCIAL SERVICES:
BOARD OF ADDICTION AND
PREVENTION PROFESSIONALS:** Chapters
46:33:01 to 46:33:10, inclusive; transferred to
Chapter 20:80:01 to 20:80:10, inclusive.

History-Notice: 40 SDR 29, August 5, 2013
Hearing: August 22, 2013
Filed: September 19, 2013
Effective: October 9, 2013

History-Notice: 40 SDR 30, August 12, 2013
Hearing: August 26, 2013
Filed: September 19, 2013
Effective: October 9, 2013

DEPARTMENT OF TRANSPORTATION:
70:01:02:02, 70:01:02:15, 70:01:02:21,
70:01:02:34, and 70:01:02:49.

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

9-26-2013	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 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

		<p>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 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.</p>
<p>9-27-2013</p>	<p>Environment and Natural Resources: Board of Water and Natural Resources</p>	<p>Amend a rule to make adjustments to the director areas of the South Central Water Development District; 40 SDR 35.</p>
<p>10-1-2013</p>	<p>Education: Board of Education</p>	<p>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</p>

		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.
10-3-2013	Game, Fish and Parks	Amend a Mountain Lion Hunting Season rule to decrease the total mountain lion harvest limit from 100 to 75 lions and the female harvest limit from 70 to 50 lions within the Black Hills Fire Protection District; and in Custer State Park increase the number of hunting intervals when dog hunting is allowed from 3 to 4 and decrease the number of hunting intervals when no dog hunting is allowed from 5 to 4, resulting in 136 mountain lion licenses issued; 40 SDR 53.
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.
10-17-2013	Labor and Regulation: Division of Insurance	Amend rules to update a short term major medical advertising disclosure; update the standards for determining the hazardous financial condition of an insurer; change a cross reference; and establish standards for multiple employer trusts; 40 SDR 57.
10-24-2013	Labor and Regulation: State Plumbing Commission	Amend a rule to increase the fee for residential plumbing inspections; 40 SDR 57.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, November 12, 2013, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: 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>.

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