

REGISTER



South Dakota Legislative Research Council

Volume 34

Monday, 8:00 a.m., May 12, 2008

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

Department of Transportation: (May 6, 2008) is proposing to amend a speed zone in Clark County on US Highway 212 in the City of Clark to reduce speed limits for traffic along the area of recent commercial development west of town. The general authority for this rule, as cited by the department, is SDCL 32-25-7.

A public hearing will be held at the Visitor Center on the Capitol Grounds in Pierre, South Dakota, on May 29, 2008, at 9:05 a.m. CDST. Copies of the proposed rule 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 May 28, 2008, 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).

Department of Revenue and Regulation: Commission on Gaming: (May 8, 2008) is proposing to amend a Deadwood Gambling Rule to adopt a variation of blackjack known as Winners Option Blackjack. The general authority for this rule, as cited by the commission, is SDCL 42-7B-4 and 42-7B-7.

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on June 4, 2008, at 9:00 a.m. MDT. Copies of

the proposed rule may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 221 West Capitol Avenue, Suite 101, c/o 1320 East Sioux Avenue, Pierre, South Dakota 57501-3100. Materials sent by mail must reach the Commission on Gaming by June 4, 2008, to be considered. However, the Commission requests that all written comments be received by May 28, 2008, to allow for adequate consideration prior to the hearing. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Order:

The Governor has signed **Executive Order 2008-04** dated May 2, 2008, which declared a state of emergency to exist in western South Dakota due to a winter storm.

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

5-13-2008	Health: Health Systems Development and Regulation	Adopt and amend rules to implement health, safety and sanitation requirements for the vacation home lodging category which is currently being licensed as specialty resorts; 34 SDR 269.
5-14-2008	Revenue and Regulation: Banking Commission	Repeal and amend the rules to reflect changes required by the passage of Senate Bill 17 in the 2008 Legislative session. The rule changes will no longer require banks to charge off fifty percent of all assets classified as doubtful; update the requirements on banks regarding their allowance for loan and lease losses; allow loan application decisions to be made at a loan production office; make references to responsible parties consistent for mortgage lending entity applicants; provide for an application process to reflect a change in control of a mortgage licensee without requiring an original application; provide for the gonging of mortgage brokerages; include copies of appraisals in the list of required records for each mortgage loan application file; update language regarding approved training courses and to require the division to display a list of approved training providers and courses on its website; specify the records that must be maintained by money lenders licenses pursuant to SDCL chapter 54-4; and update the feew authorized for money transmitters; 34 SDR 277.
5-15-2008	Environment and Natural Resources: Board of Minerals and Environment	Amend a rule to eliminate the minimum 100 feet of surface casing requirement to allow the Secretary of the department to determine how much surface casing is required for all new oil and gas wells on a case by case basis; 34 SDR 269.
5-15-2008	Environment and Natural Resources: Board of Minerals and Environment	Amend rules in Chapter 74:11:08 to update the requirements for plugging mineral exploration test holes to make the rules consistent with the well construction standards found in Chapter 74:02:04; to allow the use of alternative test hole plugging methods; to allow the commonly used method of plugging test holes with bentonite chips in special circumstances; and amend rules in Chapter 74:29:11 governing in situ leach mining to update an existing rule

		<p>that lists other permits and approvals an applicant must obtain to operate an in situ leach mine; require an operator applying for an in situ leach mine permit to obtain an Underground Injection Control Class III Well permit under Chapter 74:55:01 before the Board of Minerals and Environment may issue a mine permit; and to make the in situ leach mining rules consistent with recently approved changes to Chapter 74:55:01 Underground Injection Control- Class III Wells; 34 SDR 270.</p>
<p>5-19&20-2008</p>	<p>Education: Board of Education</p>	<p>Amend rules to change submission dates of scholarship application from May 1 of each year to the third Friday in March to accommodate school events; delete the "or the equivalent on a weighted scale" to eliminate an advantage for some students with access to Advanced Placement courses to obtaining a weighted grade point average of over 4.0; eliminate "High" in Virtual High School; add an electronic delivery necessity unless an exemption is made by the Secretary of Education and to have courses identified as a need by South Dakota Virtual School Advisory Council; add another factor to be considered by the oversight board when reviewing a school district's request for exemption; remove an administrative rule; define terms for appointed board members; better prepare a student for creating a personal learning plan; change the giving of aptitude assessment to a more relevant time; allow individuals with less than a bachelors degree to gain a SD certificate to teach specific career and technical education course; and provide clarity on the Birth to Three Connections program and revise the fee schedule for providers; 34 SDR 277.</p>
<p>5-20-2008</p>	<p>Bureau of Administration</p>	<p>Amend rules to implement high efficiency building design regulations to be used on the construction and renovation of state owned buildings meeting certain requirements; 34 SDR 270.</p>
<p>5-20-2008</p>	<p>Health: Health and Medical Services</p>	<p>Amend Children's Special Health Services rules to increase family income guidelines, remove family cost share requirement, and revise eligibility requirements; 34 SDR 278.</p>

5-20-2008	Labor: Labor and Management	Adopt rules to encourage Insurers and Self-Insurers to promptly address workers' compensation medical bills by paying, denying, or requesting information about them; 34 SDR 285.
5-22-2008	Bureau of Administration	Adopt rules to establish uniform fees to be charged by governmental agencies in South Dakota for the transmittal, reproduction and retrieval of records which are required or permitted to be made public upon request and no other rate is prescribed; 34 SDR 285.
5-29-2008	Transportation	Amend a speed zone in Clark County on US Highway 212 in the City of Clark to reduce speed limits for traffic along the area of recent commercial development west of town; 34 SDR 291.
6-4-2008	Revenue and Regulation: Gaming Commission	Amend a Deadwood Gambling Rule to adopt a variation of blackjack known as Winners Option Blackjack; 34 SDR 291.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2006 through June 30, 2007. Changes include establishing a standardized permit for hazardous waste storage facilities; and a variety of corrections that encompass printing omissions, typographical errors, misspellings and erroneous or missing citations and references throughout the rules; 34 SDR 278.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 13, 2008, in LCR 1 and 2, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: June 10, August 19, September 23, December 2, and January 12, 2009.

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>.