

REGISTER



South Dakota Legislative Research Council

Volume 45

Tuesday, 8:00 a.m., May 28, 2019

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

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 Labor and Regulation: Appraiser Certification Program:

(May 20, 2019) intends to amend rules to require applicants for an initial appraiser credential, a renewing credentialed appraiser, a supervisory appraiser, and an appraisal management company registration to provide the department with an email address; and eliminate the requirement for a notarized affidavit or irrevocable Uniform Consent to Service of Process form. The general authority for these rules, as cited by the department, is SDCL §§ 36-21B-3 and 36-21D-4.

A public hearing will be held in the Appraiser Certification Program Conference Room, 308 South Pierre Street, Pierre, South Dakota, on June 18, 2019, 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 Street, Pierre, SD 57501. Materials sent by mail must reach the department by June 28, 2019, 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.

Department of Labor and Regulation: Division of Unemployment Insurance:

(May 20, 2019) intends to amend rules to change the name of the unemployment insurance program to the reemployment assistance program as a result of the passage of House Bill 1035 by the 2019 Legislature; change the reference of benefit check to benefit payment; and update the citation to the Workforce Innovation and Opportunity Act. The general authority for these rules, as cited by the department, is SDCL §§ 61-1-1, 61-1-27, 61-5-35, 61-6-1, 61-6-21, 61-7-1, and 61-7-8.

A public hearing will be held at the Aberdeen Administrative Office, 420 South Roosevelt Street, Aberdeen, South Dakota, on June 11, 2019, 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, Attn: Pauline Heier, 420 S. Roosevelt Street, P.O. Box 4730, Aberdeen, SD 57401. Materials sent by mail must reach the department by June 21, 2019, 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) 626-2310 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

(None)

NOTE REGARDING ADOPTED 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>6-6-2019</p>	<p>Department of Game, Fish and Parks: Amend rules to add air guns to the types of weapons regulated by 41:03:01:16; impact the use of certain weapons in the Newton Hills State Park, LaFramboise Island Nature Area, and Farm Island Recreation Area; correct nomenclature used for several designated management units; alter the "no wake zone" in the waters of Deerfield Reservoir; limit the number of access permits for residents and nonresidents in certain limited access units; establish a start date for nonresident archery deer hunters; create an application deadline for nonresident archery deer hunters; alter the deadline for an organization to submit an application letter for the opportunity to auction a Bighorn Sheep tag; and remove the allowance of smallmouth and largemouth bass to be harvested from Pactola Reservoir by means of spearing or bow; 45 SDR 145, May 20, 2019.</p>
<p>6-11-2019</p>	<p>Department of Labor and Regulation: Division of Unemployment Insurance: Amend rules to change the name of the unemployment insurance program to the reemployment assistance program as a result of the passage of House Bill 1035 by the 2019 Legislature; change to reference of benefit check to benefit payment; and update the citation to the Workforce Innovation and Opportunity Act; 45 SDR 148, May 28, 2019.</p>
<p>6-12-2019</p>	<p>Department of Health: Amend rules to minimize and clarify the requirements pertaining to the redistribution of nursing facility beds; 45 SDR 145, May 20, 2019.</p>
<p>6-12-2019</p>	<p>Department of Revenue: Amend rules to update definitions; update the timeline and processes for alcohol wholesaler price filings; provide enhanced notice to retailers and clarify requirements for wholesalers for reported delinquencies; and to allow alcohol retailers to use loyalty and reward programs; 45 SDR 144, May 20, 2019.</p>
<p>6-13-2019</p>	<p>Department of Health: Board of Medical and Osteopathic Examiners: Amend rules to clarify the limitation of attempts of an exam for medical license applicants; 45 SDR 145, May 20, 2019.</p>
<p>6-18-2019</p>	<p>Department of Labor and Regulation: Appraiser Certification Program: Amend rules to require applicants for an initial appraiser credential, a renewing credentialed appraiser, a supervisory appraiser, and an appraisal management company registration to provide the department with an email address; and eliminate the requirement for a notarized affidavit or irrevocable Uniform Consent to Service of Process form; 45 SDR 148, May 28, 2019.</p>

7-18-2019	Department of Environment and Natural Resources: Board of Minerals and Environment: Amend rules to increase regulatory flexibility and clarity of rules applicable to hazardous waste generators; establish a methodology for the use of electronic manifests; establish procedures for managing and disposing of defective airbag inflators; provide healthcare facilities and pharmacies with management and disposal options for hazardous waste pharmaceuticals; revise requirements involving imports and exports of hazardous wastes; and incorporate corrections made in federal regulations; 45 SDR 144, May 20, 2019.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2019 Interim is Monday, June 3, 2019, at 10:00 a.m. CT in Room 414 of the State Capitol. Other meetings scheduled for the 2019 interim will be held July 8, August 12, September 9, and November 4.

Watch for notices of 2019 Rules Review Committee meetings in this publication, on the LRC website, and at the Capitol.

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>.