

# REGISTER



## South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., October 22, 2018

**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: South Dakota Cosmetology Commission:** (October 16, 2018) intends to amend rules to increase certain fees charged by the Cosmetology Commission including the examination fee, examination retake fee, personal license renewal fee, instructor initial license and renewal fees, and salon or booth license renewal fees. The general authority for these rules, as cited by the commission, is SDCL §§ 36-15-13, 36-15-20, and 36-15-20.1.

A public hearing will be held at the Cosmetology Commission Office, 221 West Capitol Avenue, Suite 101, Pierre, South Dakota, on November 5, 2018, at 10:00 a.m. CT. Copies of the rules may be obtained without charge from and written comments sent to the South Dakota Cosmetology Commission, 500 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the commission by November 2, 2018, to be considered. 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) 773-6193. The call-in

number to access the conference call is (866) 410-8397. The conference code is 5816742095.

### **Department of Revenue: South Dakota Commission on Gaming:**

(October 19, 2018) intends to modify the rules of play of a variation of Black Jack known as Triple Win 20 and allow for a bonus bet. The general authority for these rules, as cited by the commission, is SDCL § 42-7B-7.

A public hearing will be held at City Hall, 102 Sherman Street, Deadwood, South Dakota, on November 15, 2018, at 3:00 p.m. MT. Copies of the rule may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 445 E. Capitol Avenue, Pierre, SD 57501, or by email to [larry.eliason@state.sd.us](mailto:larry.eliason@state.sd.us). The rules can also be viewed online at <https://rules.sd.gov/>. Material sent by mail must reach the commission by November 13, 2018, to be considered. The commission requests that all written comments be received by November 9, 2018, 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 prior to the hearing.

### **DECLARATORY RULING:**

The **South Dakota Commission on Gaming** has filed with the Legislative Research Council a Declaratory Ruling regarding whether an entity licensed as an operator in

South Dakota which also holds a manufacturer's or distributor's license in another gaming jurisdiction may use slot machines in the entity's South Dakota casino that were acquired through the manufacturer's or distributor's license in another gaming jurisdiction. After a hearing and considering SDCL § 42-7B-22 and ARSD 20:18:18:14.01, the Commission on Gaming has determined that the entity may not use slot machines in its South Dakota casino that were acquired through the manufacturer's or distributor's license in another gaming jurisdiction. The Declaratory Ruling is dated October 15, 2018.

**NOTICE:**

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding nutritionist and dietician services, and independent mental health practitioner services. The proposed State Plan Amendment (SPA) provides coverage for medically necessary medical nutrition therapy provided by nutritionists and dietitians, and corresponding reimbursement methodology. It also clarifies coverage and reimbursement of independent mental health practitioner services including the providers allowed to provide services. Funds associated

with this SPA were appropriated by the state legislature during the 2018 Session. The SPA revises Attachment 4.19-B Introduction page 1 and page 11, and Supplement to Attachment 3.1-A page 11. The Department intends to make this SPA effective December 1, 2018 and estimates it will have a \$396,579 federal fiscal impact in Federal Fiscal Year 2019 and a \$396,579 federal fiscal impact in Federal Fiscal Year 2020. The SPA can be viewed on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Written requests for a copy of these changes, and corresponding comments, may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501.

**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**

<b>10-22-2018</b>	<b>Department of Health:</b> Amend rules to add newly emerging communicable diseases with public health impact to the Category II reportable diseases and condition list and clarify the methods of reporting; 45 SDR 48, October 1, 2018.
<b>10-23-2018</b>	<b>Department of Health: South Dakota Board of Pharmacy:</b> Amend rules to provide for an organized way of handling complaints and discipline for the Board of Pharmacy; 45 SDR 43, September 24, 2018.
<b>10-23-2018</b>	<b>Department of Labor and Regulation: South Dakota Board of Accountancy:</b> Amend rules to update references; add language to waive certain requirements; update definitions, program measurements, criteria and standards for continuing professional education; and repeal rules regarding the South Dakota peer review program; 45 SDR 55, October 9, 2018.
<b>10-23-2018</b>	<b>Department of Labor and Regulation: South Dakota Board of Massage Therapy:</b> Amend rules to increase annual fees from \$45 to \$65 per year and the initial license fee from \$75 to \$100 on massage therapists in South Dakota; 45 SDR 56, October 9, 2018.

<p><b>10-25-2018</b></p>	<p><b>Department of Transportation:</b> Amend rules to reduce the speed limit from 65 miles per hour to 55 miles per hour on State Trunk Highway 50 in and around Tabor; 45 SDR 48, October 1, 2018.</p>
<p><b>10-29-2018</b></p>	<p><b>Bureau of Human Resources: Civil Service Commission:</b> Amend rules to list the probationary period in terms of months employed, not hours, and detail the application of a promotional salary increase during the probationary period; 45 SDR 48, October 1, 2018.</p>
<p><b>11-1-2018</b></p>	<p><b>Department of Agriculture: South Dakota Animal Industry Board:</b> Amend rules to update definitions to more accurately reflect current terminology and modernize language of reference material; consolidate animal identification rules into one chapter; eliminate redundant language which is already outlined in national program guidance for disease control; update current language of reference material; allow for recognition of other state agency inspections already conducted on meat establishments; eliminate brucellosis test requirements for imported cervids and update identification language to align with federal guidance; and clarify animals subject to official testing require identification and responsibility for payment; 45 SDR 55, October 9, 2018.</p>
<p><b>11-1-2018</b></p>	<p><b>Department of Game, Fish and Parks:</b> Amend rules to adjust the hunting season end date in Sica Hollow in Unit 48A to end on May 31; increase the number of resident one-tag male turkey licenses by 55 licenses and decrease the number of resident two-tag male turkey licenses by 150 licenses for the Prairie Units; change the turkey season to end on May 31; change the end of the turkey season for certain open units to end on May 31; reduce the daily limit of pintail ducks from two to one; change the Spring Light Goose Conservation Order which currently runs for 79 consecutive days beginning the day after Unit 2 dark goose season closes to now close on May 15; adjust the white-fronted goose season from 86 days to 74 days; eliminate the use of rifles while hunting turkey; increase the daily bag limit from two to three for white-fronted geese; expand the open unit for Sandhill Crane season by moving the eastern boundary farther east, from Highway 281 to Highways 25 and 81; allow for an elk license to be made for a raffle conducted by a nonprofit organization; introduce a new definition of a "modern cabin" that would include beds, electricity, sewer and water; establish a per night rate for a "modern cabin"; increase the rental cost of the group lodge at Shadehill State Recreation Area; and establish use fees for the amphitheater at Good Earth State Park; 45 SDR 60, October 15, 2018.</p>
<p><b>11-1-2018</b></p>	<p><b>Department of Revenue:</b> Amend rules to repeal obsolete rules; include language referencing electronic licensure capabilities; clarify that the on-line requirements exception pertains to manufactured home dealers; remove a reference to a department title process that was discontinued based on statutory requirements; increase a title fee to conform with the statutory increase; eliminate outdated practices and redundant rules; conform with changes in statute and comply with style and form guidelines; require title applicants to submit related federal licensure material; and combine or replace related provisions and repeal redundant chapters; 45 SDR 56, October 9, 2018.</p>
<p><b>11-5-2018</b></p>	<p><b>Department of Labor and Regulation: South Dakota Cosmetology Commission:</b> Amend rules to increase certain fees charged by the Cosmetology Commission, including the examination fee, examination retake fee, personal license renewal fee, instructor initial license and renewal fees, and salon or booth</p>

	license renewal fees; 45 SDR 64, October 22, 2018.
<b>11-7-2018</b>	<b>Office of the Attorney General: Law Enforcement Officers Standards and Training Commission:</b> Amend rules to authorize individuals to receive a license as a polygraph examiner by completing a course of study at a school certified by the American Association of Police Polygraphists; 45 SDR 56, October 9, 2018.
<b>11-15-2018</b>	<b>Department of Revenue: South Dakota Commission on Gaming:</b> Modify the rules of play of a variation of Black Jack known as Triple Win 20 and allow for a bonus bet; 45 SDR 64, October 22, 2018.

### RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2018 Interim is November 20, 2018, at 10:00 a.m. in Room 414 of the State 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>.