

REGISTER



South Dakota Legislative Research Council

Volume 44

Tuesday, 8:00 a.m., October 10, 2017

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Human Services:

Division of Developmental Disabilities:

(October 3, 2017) intends to amend rules to define and to create standards for a shared living home service; and allow the delivery of statewide family support services to adults who meet certain criteria. The general authority for these rules, as cited by the department, is SDCL § 27B-2-26.

A public hearing will be held in the Large Conference Room, Hillsview Plaza, 3800 E. Highway 34, Pierre, South Dakota, on October 27, 2017, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Department of Human Services, Hillsview Plaza, 3800 E. Highway 34, c/o 500 E. Capitol Avenue, Pierre, SD 57501-5070. Material sent by mail must reach the Department by 5:00 p.m. on November 6, 2017, to be considered. Copies of the proposed rules are also available at <http://dhs.sd.gov/> or by email to Jennifer.Larson@state.sd.us. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department of Human Services can make arrangements are asked to call (605) 773-5990 or (605) 773-6412 (TTY) at least 48 hours in advance of the hearing.

Department of Labor and Regulation:

Division of Insurance: (October 3, 2017)

intends to amend rules to fix outdated references to the Division of Securities and the Department of Revenue and Regulation; and establish a notice filing requirement for Regulation A – Tier 2 offerings and crowdfunding offerings. The general authority for these rules, as cited by the department, is SDCL §§ 47-31B-202, 47-31B-302, 47-31B-402, 47-31B-410, 47-31B-411, 47-31B-412, 47-31B-503, and 47-31B-605.

A public hearing will be held in the West River Conference Room, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota, on October 24, 2017, at 2:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Division of Insurance, Administrative Rules, 124 S. Euclid Avenue, Pierre, SD 57501. Material sent by mail must reach the Department by November 3, 2017, to be considered. Copies of the proposed rules are also available online at http://dlr.sd.gov/insurance/admin_rules/public_hearings.aspx or by email to mallori.barnett@state.sd.us. This hearing is being held in a physically accessible place. Persons who have special needs for which the Division of Insurance can make arrangements are asked to call (605) 773-3563 at least 48 hours in advance of the hearing.

Department of Revenue: Divisions of

Business Tax and Property and Special Taxes:

(October 3, 2017) intends to amend rules to update manuals and the price of manuals to the current version and ensure that the language of

the rules is consistent; clarify what types of equipment certain alcoholic beverage industry members can provide to special event alcohol retailers; and repeal a rule regarding how use tax applies to the storage of tangible personal property. The general authority for these rules, as cited by the department, is SDCL §§ 10-1-16.1 and 35-10-1.

A public hearing will be held in the Anderson Building, Room 109, 445 East Capitol Avenue, Pierre, South Dakota, on October 27, 2017, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to Department of Revenue, Legal Division, 445 E. Capitol Avenue, Pierre, SD 57501-3185. Material sent by mail must reach the Department by November 6, 2017, to be considered. Copies of the proposed rules are also available at <http://rules.sd.gov/> or http://dor.sd.gov/Publications/Public_Notices/PDFs/ptbtrules2017.pdf. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department of Revenue can make arrangements are asked to call (605) 773-4701 at least 48 hours in advance of the hearing.

Office of the Secretary of State:

Board of Elections: (October 3, 2017) intends to amend rules to specify a 30 day deadline date for a voter to return the invalid/incomplete voter registration acknowledgment notice; add another voter designation for the federally required Election Assistance Commission Election Day Survey; create two voter registration list maintenance forms; change the name of a Secondary Election to Runoff Election; add judicial office to the races to be listed in the notice of deadline for filing nominating petitions for the primary election; add to the general election ballot the language "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note"; update the primary and general election ballot formats to include notations for front and reverse sides, clarify ballot printing notes, add

an option for county finance officer, and provide the format for State Representative Districts 26 and 28 A and B; clarify the tax levy opt-out ballot format to be used by counties, municipalities or schools; create a new ballot format for capital outlay elections for school districts; create a new ballot format for school sentinel program elections; create a new ballot format to assist county auditors with tax levy ballots for maintaining, repairing, constructing or reconstructing roads and bridges; clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side; add the Attorney General's Title of a statewide ballot question to information required from the sponsor(s) on the two affidavits for statewide ballot questions; repeal two petitions for conservation district candidates and amend the third petition to show that candidates for district supervisors must run at large instead of by areas; clarify what type of ballot a resolution board will use to duplicate a ballot that is rejected from the automatic tabulating machine; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under and simplify the application instructions; remove language requiring a stateside Uniformed Overseas Citizens Absentee Voter to provide a photocopy of their identification or have their signature notarized on the absentee ballot application; remove language requiring a Uniformed Overseas Citizens Absentee Voter to provide their voting residence on the ballot return envelope and amend the maximum size of the envelope; and add legislative candidates as those who do not use this petition for recount. The general authority for these rules, as cited by the board, is SDCL §§ 12-1-9, 12-4-19, 12-4-35, 12-17B-17, and 12-19-2.

A public hearing will be held in the conference room of the Secretary of State's Office, Business Services Building, 215 East Prospect Avenue, Pierre, South Dakota, on October 30, 2017, at 1:00 p.m. CT. Copies of the proposed rules

may be obtained without charge from and written comments sent to State Board of Elections, c/o South Dakota Secretary of State, State Capitol, Suite 204, 500 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Office of the Secretary of State by October 30, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Office of the Secretary of State can make arrangements are asked to call (605) 773-3537 at least 48 hours in advance of the hearing.

Department of Agriculture: South Dakota State Fair: (October 4, 2017) intends to amend rules to repeal duplicative, outdated and unnecessary rules applying to the State Fair Park; and raise camping and parking fees during the annual State Fair. The general authority for these rules, as cited by the department, is SDCL § 1-21-10.

A public hearing will be held at the South Dakota Department of Agriculture, 3rd Floor, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 31, 2017, at 8:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Agriculture, 523 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Department by November 10, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department of Agriculture can make arrangements are asked to call (605) 773-5425 at least 48 hours in advance of the hearing

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF AGRICULTURE:
DIVISION OF AGRICULTURAL
SERVICES:** 12:36:04:01 and 12:53:01:09.

History-Notice: 44 SDR 13, July 17, 2017
Hearing: August 11, 2017

Filed: October 2, 2017
Effective: October 23, 2017

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF

INSURANCE: 20:06:09:48; 20:06:31:01 to 20:06:31:04.13, inclusive, 20:06:31:05.01 to 20:06:31:08, inclusive, 20:06:31:09.01 to 20:06:31:12, inclusive, 20:06:31:14, and 20:06:31:17 to 20:06:31:33, inclusive.

History-Notice: 44 SDR 32, August 14, 2017
Hearing: August 31, 2017
Filed: October 2, 2017
Effective: October 23, 2017

DEPARTMENT OF LABOR AND REGULATION: REAL ESTATE

COMMISSION: 20:69:05:01 to 20:69:05:03, inclusive, and 20:69:05:05 to 20:69:05:08, inclusive.

History-Notice: 44 SDR 35, August 21, 2017
Hearing: September 7, 2017
Filed: October 4, 2017
Effective: October 24, 2017

Correction Filed: 44 SDR 65

**DEPARTMENT OF GAME, FISH AND
PARKS:** 41:04:06:01:01, 41:04:06:01:02, 41:04:06:01:03, and 41:04:06:01:04.
41:04:06:01, 41:04:06:02, 41:04:06:03, and 41:04:06:04.

History-Notice: 44 SDR 31, August 14, 2017
Hearing: September 7, 2017
Filed: September 25, 2017
Effective: October 16, 2017

Executive Appointments:

Brooks T. Schild, Yankton, was appointed on October 2, 2017, to the **Veterans Commission**, to replace Michael Birnbaum, effective immediately and shall continue until October 1, 2023.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. 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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

10-18-2017	Department of Environment and Natural Resources: Division of Environmental Services Amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program; 44 SDR 51, September 11, 2017.
10-20-2017	Department of Health: South Dakota Board of Dentistry Amend rules to update the registration process for dental entities to bring it into compliance with SB 47 and repeal obsolete provisions; 44 SDR 21, July 31, 2017.
10-20-2017	Department of Labor and Regulation: South Dakota Athletic Commission Amend rules to clarify provisions of current rules including general definitions; safety requirements for events; responsibilities of event promoters; requirements for contestants in mixed martial arts contests; penalties for mixed martial artists who fail to make weight for a contracted bout; options for correcting a score entered in error; officials required to be in attendance at an event; the role of a cut man at an event; the authority of a ringside physician during a bout; allowable wraps for a mixed martial artist during a bout; requirements for a ring used for a contest; the process by which a contestant can request a review of a bout; and the adoption of unified rules of mixed martial arts; 44 SDR 31, August 14, 2017.
10-20-2017	Department of Health: South Dakota Board of Examiners in Optometry Adopt rules to clarify the expiration of contact lens and spectacle prescriptions; revise minimum requirements for a comprehensive optometric examination to make the rule consistent with current standards for the profession; and allow an optometrist in certain situations to receive credit for live stream continuing education presentations as "live" continuing education; 44 SDR 51, September 11, 2017.
10-23-2017	Bureau of Human Resources Amend rules to match current practice regarding Family Status Change Forms; 44 SDR 63, October 2, 2017.
10-23-2017	Bureau of Human Resources Amend rules to allow fathers to take sick leave after the birth of a child; update reasons for using the Family Medical Leave Act (FMLA); and standardize how rates of pay and salary increases are administered; 44 SDR 63, October 2, 2017.
10-23-2017	Department of Social Services: Divisions of Economic Assistance, Child Support, Child Protection, Medical Services, and Child Care Services Amend rules to reflect annual changes; update terminology and other language to align with current practice and provide clarification; update citations; update the recommended immunization standards to align with the Department of Health; provide clarity of what practitioners can provide and bill for certain services; new rules to distinguish non-emergency medical transportation; repeal duplicative rules; and update certain child

	support enforcement and child protection provisions to comply with new federal regulations; 44 SDR 64, October 2, 2017.
10-24-2017	Department of Agriculture: Division of Agriculture Services Amend rules regarding shell eggs to be in alignment with USDA guidelines; 44 SDR 63, October 2, 2017.
10-24-2017	Department of Labor and Regulation: Division of Insurance Amend rules to fix outdated references to the Division of Securities and the Department of Revenue and Regulation; and establish a notice filing requirement for Regulation A – Tier 2 offerings and crowdfunding offerings; 44 SDR 69, October 10, 2017.
10-25-2017	Department of Health: Division of Health Systems Development and Regulation Amend rules to revise ambulance equipment standards and air ambulance operations, and for the purposes of general cleanup; 44 SDR 59, September 25, 2017.
10-25-2017	Department of Labor and Regulation: Appraiser Certification Program Amend a rule to adopt the 2018-2019 Edition of the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Foundation's Appraisal Standards Board effective January 1, 2018; 44 SDR 59, September 25, 2017.
10-26-2017	Department of Revenue: South Dakota Lottery Commission Amend a rule to allow the Winner Take All Promotion for the Powerball lotto game; 44 SDR 64, October 2, 2017.
10-26-2017	Department of Transportation Amend rules to add a 45 mile per hour speed zone to State Trunk Highway 73 immediately south of the 35 mile per hour speed zone in Martin extending for 0.45 miles; extend a 25 mile per hour speed zone on U.S. Highway 85 to include the stretch of highway between Indian Street and Lawrence Street in Belle Fourche; change the speed limit to 35 miles per hour on U.S. Highway 85 between Lawrence Street and State Trunk Highway 34 in Belle Fourche; reduce the speed limit on State Trunk Highway 50 through Vermillion from 55 miles per hour to 50 miles per hour; and set bidding capacity ratings on a per-contract basis rather than establishing an overall maximum rating; 44 SDR 64, October 2, 2017.
10-27-2017	Department of Human Services: Division of Developmental Disabilities Amend rules to define and to create standards for a shared living home service; and allow the delivery of statewide family support services to adults who meet certain criteria; 44 SDR 69, October 10, 2017.
10-27-2017	Department of Revenue: Divisions of Business Tax, and Property and Special Taxes Amend rules to update manuals and price of manuals to current version and ensure that the language of the rules is consistent; and repeal a rule regarding how use tax applies to the storage of tangible personal property; 44 SDR 69, October 10, 2017.
10-30-2017	Office of the Secretary of State: Board of Elections Amend rules to specify a 30 day deadline date for a voter to return the invalid/incomplete voter registration acknowledgment notice; add another voter designation for the federally required Election Assistance Commission Election Day Survey; create two voter registration list maintenance forms; change the name of a Secondary Election to Runoff Election; add judicial office to the races to be listed in the notice of deadline for filing nominating petitions for the primary election; adding to the general election ballot the language "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note"; updating the primary and general election ballot formats to include notations for front and reverse sides, clarify ballot printing notes, add an option for

	<p>county finance officer, and provide the format for State Representative Districts 26 and 28 A and B; clarify the tax levy opt-out ballot format to be used by counties, municipalities or schools; create a new ballot format for capital outlay elections for school districts; create a new ballot format for school sentinel program elections; create a new ballot format to assist county auditors with tax levy ballots for maintaining, repairing, constructing or reconstructing roads and bridges; clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side; add the Attorney General's Title of a statewide ballot question to information required from the sponsor(s) on the two affidavits for statewide ballot questions; repeal two petitions for conservation district candidates and amend the third petition to show that candidates for district supervisors must run at large instead of by areas; clarify what type of ballot a resolution board will use to duplicate a ballot that is rejected from the automatic tabulating machine; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under and simplify the application instructions; remove language requiring a stateside Uniformed Overseas Citizens Absentee Voter to provide a photocopy of their identification or have their signature notarized on the absentee ballot application; remove language requiring a Uniformed Overseas Citizens Absentee Voter to provide their voting residence on the ballot return envelope and amend the maximum size of the envelope; and add legislative candidates as those who do not use this petition for recount; 44 SDR 70, October 10, 2017.</p>
<p>10-31-2017</p>	<p>Department of Agriculture: South Dakota State Fair Amend rules to repeal duplicative, outdated and unnecessary rules applying to the State Fair Park; and raise camping and parking fees during the annual State Fair; 44 SDR 71, October 10, 2017.</p>

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2017 interim will be November 14.

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>.