

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., June 11, 2018

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 Education: South Dakota Board of Education Standards: (June 5, 2018) intends to repeal certain rules regarding postsecondary technical education to permit the Board of Technical Education to assume authority over the postsecondary technical institutes; amend rules to allow educators an additional year to complete the required coursework for CTE educator certification; create a new educator certification endorsement for the Government and Public Administration Career Cluster; and amend high school graduation requirements for South Dakota schools. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-3-47, 13-33-19, 13-37-1.1, and 13-42-3.

A public hearing will be held at the MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre, South Dakota, on July 16, 2018, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501 or electronically to ferne.haddock@state.sd.us. Persons may also submit the information at <https://rules.sd.gov/default.aspx>. Materials sent by mail or email must reach the Department by July 12, 2018, 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) 773-3553 at least 48 hours before the public hearing.

NOTICE:

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding graduate medical education (GME) including the establishment of a reimbursement methodology for in-state rural residency programs. Funding for the Rural Family Medicine Residency in Pierre was appropriated by the 2018 state legislature. The program was developed at the recommendation of the Governor's Primary Care Task Force to help address the need for more primary care physicians in rural communities. Participants will receive their first year of training in Sioux Falls and complete their second and third years in Pierre. Development of a rural family medicine residency track to train six additional medical students (two per year) will address health care workforce shortages in rural communities. In addition to establishing a reimbursement methodology for in-state rural residency programs, the State Plan Amendment (SPA) also clarifies notifications requirements in the event a hospital terminates a GME program or determines it will no longer be applying for GME funding. The clarifications in the SPA do not alter the current GME reimbursement methodology. The SPA revises Attachment 4.19-A, page 10 and adds page 10b to the South Dakota Medicaid State Plan. The Department intends to make this SPA effective July 1, 2018 and estimates the federal fiscal impact will be \$58,032.00 in Federal Fiscal Year 2018 and \$174,096.00 in Federal Fiscal Year 2019.

The SPA can be viewed online at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA are available at the Department of Social Services, Division of Medical Services. 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:

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:26:01; 41:06:27:01; 41:06:43:01; 41:06:47:02; 41:06:59:01, 41:06:59:02.

History-Notice: 44 SDR 139, March 19, 2018
 Hearing: April 5-6, 2018
 Filed: June 4, 2018
 Effective: June 25, 2018

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:01:13, 41:06:01:17; 41:06:02:03; 41:06:20:01; 41:06:21:01; 41:06:22:01, 41:06:22:02; 41:06:36:01.02; 41:06:42:01; 41:06:44, 41:06:44:01, 41:06:44:02.01, 41:06:44:04; 41:06:45:01; 41:06:46:01, 41:06:46:02, 41:06:46:10; 41:06:60:01.

History-Notice: 44 SDR 149, April 16, 2018
 Hearing: May 3-4, 2018
 Filed: June 4, 2018
 Effective: June 25, 2018

DEPARTMENT OF TRANSPORTATION: 70:01:02:13, 70:01:02:17, 70:01:02:33.

History-Notice: 44 SDR 101, Dec. 4, 2017
 Hearing: December 21, 2017
 Filed: June 4, 2018
 Effective: June 25, 2018

DEPARTMENT OF TRANSPORTATION: 70:01:02:02, 70:01:02:09, 70:01:02:12, 70:01:02:32, 70:01:02:38, 70:01:02:48, 70:01:02:49, 70:01:02:51, 70:01:02:53, 70:01:02:55.

History-Notice: 44 SDR 135, March 12, 2018
 Hearing: March 29, 2018
 Filed: June 4, 2018
 Effective: June 25, 2018

DEPARTMENT OF EDUCATION: SOUTH DAKOTA BOARD OF TECHNICAL EDUCATION: 24:59.

History-Notice: 44 SDR 97, Nov. 27, 2017
 Hearing: December 15, 2017
 Filed: June 5, 2018
 Effective: June 25, 2018

DEPARTMENT OF LABOR AND REGULATION: APPRAISER CERTIFICATION PROGRAM:

20:14:05:03, 20:14:05:03.01, 20:14:05:04, 20:14:05:05.02, 20:14:05:07.02, 20:14:05:07.03, 20:14:05:07.04; 20:14:06:01; 20:14:10:04, 20:14:10:04.01; 20:14:13:01.

History-Notice: 44 SDR 150, April 16, 2018
 Hearing: May 14, 2018
 Filed: June 5, 2018
 Effective: June 25, 2018

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE: 20:06:13:17.15, 20:06:13:17.16; 20:06:21:01.02, 20:06:21:23, 20:06:21:26, 20:06:21:28.01, 20:06:21:31, 20:06:21:32, 20:06:21:58, 20:06:21:61, 20:06:21:63, 20:06:21:64, 20:06:21:65, 20:06:21:67, 20:06:21:76, 20:06:21:86, 20:06:21:104; 20:06:22:29; 20:08:05:25.

History-Notice: 44 SDR 157, April 23, 2018
 Hearing: May 8, 2018
 Filed: June 5, 2018
 Effective: June 25, 2018

**DEPARTMENT OF LABOR
AND REGULATION: DIVISION OF
LABOR AND MANAGEMENT:**

47:03:05:01, 47:03:05:02, 47:03:05:05.

History-Notice: 44 SDR 157, April 23, 2018

Hearing: May 14, 2018

Filed: June 5, 2018

Effective: June 25, 2018

Executive Appointments:

Caleb Arceneaux, Rapid City, was appointed on June 1, 2018, to the **Board of Tourism**, to replace Stan Anderson, effective June 30, 2018, and shall continue until June 30, 2022.

Robert Buri, Watertown, was appointed on June 1, 2018, to the **Board of Examiners of Psychologists**, to replace Dr. Sara Schilplin, effective May 1, 2018, and shall continue until October 30, 2020.

Carl V. Carlson, Sioux Falls, was appointed June 1, 2018, to the **South Dakota Workforce Development Council**, to replace Dave Bonde, effective May 10, 2018, and shall continue until June 30, 2021.

David Chicoine, Brookings, was appointed on June 1, 2018, to the **Council of Economic Advisors**, to replace Randall Stuefen, effective May 1, 2018, and shall continue until June 30, 2021.

Molly Fulton, Fort Pierre, was appointed on June 1, 2018, to the **State Board of Dentistry**, to replace Tina Van Camp, effective May 1, 2018, and shall continue until October 30, 2020.

Michelle L. Glodt, Pierre, was appointed on June 1, 2018, to the **Commission on Equal Access to Our Courts**, to replace Cheryl Rogers, effective May 1, 2018, and shall continue until June 30, 2019.

Tressa Zahrbock Kool, Sioux Falls, was appointed on June 1, 2018, to the **Visitation Grant Advisory Group**, to replace Debra Watson, effective May 21, 2018, and shall continue until June 30, 2021.

Donald D. McCoy, Brandon, was appointed on June 1, 2018, to the **Board of Addiction and Prevention Professionals**, to replace Barbara Ohme, effective May 23, 2018, and shall continue until October 30, 2020.

Kay K. Schallenkamp, Spearfish, was appointed on June 1, 2018, to the **Critical Teaching Needs Scholarship Board**, to replace Terry Sabers, effective June 30, 2018, and shall continue until June 30, 2023.

Jeff Wangen, Rapid City, was appointed on June 1, 2018, to the **Board of Examiners for Counselors and Marriage and Family Therapists**, to replace Wayne Zako, effective May 3, 2018, and shall continue until October 30, 2020.

David Wheeler, Huron, was appointed on June 1, 2018, to the **South Dakota Lottery Commission**, to replace Bob Faehn, effective May 1, 2018, and shall continue until January 1, 2021.

John Brockelsby, Rapid City, was reappointed on June 4, 2018, to the **Board of Tourism**, effective June 30, 2018, and shall continue until June 30, 2022.

Tim Engel, Pierre, was reappointed on June 4, 2018, to the **State Capitol Complex Restoration and Beautification Commission**, effective June 30, 2018, and shall continue until June 30, 2022.

Richard C. Gustad, Jr., was reappointed on June 4, 2018, to the **Fire Marshal's Advisory Board**, effective May 7, 2018, and shall continue until April 12, 2022.

Ivan L. Sorbel, Kyle, was reappointed on June 4, 2018, to the **Board of Tourism**, effective June 30, 2018, and shall continue until June 30, 2022.

Steve Westra, Sioux Falls, was reappointed on June 4, 2018, to the **Board of Tourism**, effective June 30, 2018, and shall continue until June 30, 2022.

Don Zeller, Pierre, was reappointed on June 4, 2018, to the **State Capitol Complex Restoration and Beautification Commission**, effective June 30, 2018, and shall continue until June 30, 2022.

Sandra J. Zinter, Fort Pierre, was reappointed on June 4, 2018, to the **State Capitol Complex Restoration and Beautification Commission**, effective June 30, 2018, and shall continue until June 30, 2022.

Scott Erstad, Badger, was reappointed on June 5, 2018, to the **South Dakota Snowmobile Advisory Council**, effective June 30, 2018, and shall continue until June 30, 2021.

Curt Everson, Pierre, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Kristie K. Fiegen, Sioux Falls, was reappointed on June 5, 2018, to the **Court Appointed Special Advocates Commission**, effective June 30, 2018, and shall continue until June 30, 2021.

John S. Hemmingstad, Elk Point, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Gregory S. Ingemunson, Black Hawk, was reappointed on June 5, 2018, to the **Civil Service Commission**, effective June 30, 2018, and shall continue until June 30, 2022.

Karen F. Jeffries, Dupree, was reappointed on June 5, 2018, to the **Court Appointed Special Advocates Commission**, effective June 30, 2018, and shall continue until June 30, 2021.

Susan Johnson, Deadwood, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Steven T. Kolbeck, Brandon, was reappointed on June 5, 2018, to the **Housing Development Authority**, effective June 30, 2018, and shall continue until June 30, 2023.

Roger Musick, Mitchell, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Dan K. Newell, Sioux Falls, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Daniel W. Noteboom, Corsica, was reappointed on June 30, 2018, to the **Council of Economic Advisors**, effective June 30, 2018 and shall continue until June 30, 2021.

Mark A. Puetz, Mitchell, was reappointed on June 5, 2018, to the **Housing Development Authority**, effective June 30, 2018, and shall continue until June 30, 2023.

Joel Rosenthal, Sioux Falls, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Douglas J. Sharp, Watertown, was reappointed June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

David Sweet, Sioux Falls, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Gary Ulmer, Menno, was reappointed on June 5, 2018, to the **South Dakota Snowmobile Advisory Council**, effective June 30, 2018, and shall continue until June 30, 2021.

Everhardus Van Der Sluis, Brookings, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Shannon Williams, Redfield, was reappointed on June 5, 2018, to the **Civil Service Commission**, effective June 30, 2018, and shall continue until June 30, 2022.

Steven Zellmer, Rapid City, was reappointed on June 5, 2018, to the **Council of Economic Advisors**, effective June 30, 2018, and shall continue until June 30, 2021.

Lee Anderson, Mitchell, was reappointed on June 6, 2018, to the **South Dakota Workforce Development Council**, effective June 30, 2018, and shall continue until June 30, 2021.

Chad Comes, Madison, was reappointed on June 6, 2018, to the **Water Management Board**, effective July 1, 2018, and shall continue until June 30, 2022.

Craig A. Dockter, Mobridge, was reappointed on June 6, 2018, to the **State Board of Examiners in Optometry**, effective June 30, 2018, and shall continue until June 30, 2021.

Daryl Englund, Brookings, was reappointed on June 6, 2018, to the **Board of Minerals and Environment**, effective June 30, 2018, and shall continue until June 30, 2022.

Rudolph A. Gerstner, Yankton, was reappointed on June 6, 2018, to the **Petroleum Release Compensation Board**, effective May 1, 2018, and shall continue until May 1, 2023.

Margaret V. Gillespie, Alcester, was reappointed on June 6, 2018, to the **South Dakota Athletic Commission**, effective June 30, 2018, and shall continue until June 30, 2021.

Gregg S. Greenfield, Sioux Falls, was reappointed on June 6, 2018, to the **Board of Minerals and Environment**, effective June 30, 2018, and shall continue until June 30, 2022.

Allen Haiar, Sioux Falls, was reappointed on June 6, 2018, to the **State Board of Examiners in Optometry**, effective June 30, 2018, and shall continue until June 30, 2021.

Leo Holzbauer, Wagner, was reappointed on June 6, 2018, to the **Water Management Board**, effective July 1, 2018, and shall continue until June 30, 2022.

Michael A. Kilmer, Belle Fourche, was reappointed on June 6, 2018, to the **South Dakota Athletic Commission**, effective June 30, 2018, and shall continue until June 30, 2021.

Robert L. Morris, Belle Fourche, was reappointed on June 6, 2018, to the **Board of Minerals and Environment**, effective June 30, 2018, and shall continue until June 30, 2022.

Bert Olson, Sioux Falls, was reappointed on June 6, 2018, to the **Petroleum Release Compensation Board**, effective June 1, 2018, and shall continue until June 1, 2023.

Scott Peterson, Belle Fourche, was reappointed on June 6, 2018, to the **South Dakota Workforce Development Council**, effective

June 30, 2018, and shall continue until June 30, 2021.

Kylie Riggins, Rapid City, was reappointed on June 6, 2018, to the **Visitation Grant Advisory Group**, effective June 30, 2018, and shall continue until June 30, 2021.

Kellie Beck, Pierre, was appointed on June 7, 2018, to the **Board of Internal Control**, to replace Laura Schaeffer, effective June 6, 2018.

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

6-13-2018	Department of Health: Amend rules to clarify the authority and processes that administer the J-1 Visa Program; 44 SDR 168, May 14, 2018.
6-14-2018	Department of Health: Board of Medical and Osteopathic Examiners: Amend rules to establish the criteria and approval process for a dry needling course of study that is completed by a physical therapist; and clarify the qualifications of a medical assistant applying for registration; 44 SDR 167, May 14, 2018.
6-15-2018	Department of Health: South Dakota State Board of Dentistry: Amend rules to remove obsolete provisions, update references, clarify and update requirements regarding licensure and registration, clinical competency examinations, and continuing education to make the rules more uniform; and move administrative rules to better organize rules by designated licensee or registrant categories; 44 SDR 161, April 30, 2018.
6-18-2018	Office of the Secretary of State: Board of Elections: Amend rules to provide a check box on the Voter Registration Address Verification Notice to note if a person no longer resides at that address; clarify the offices for which an independent candidate can run and where to submit petitions in the notice of deadline for filing nominating petitions for the primary election and for filing independent candidate petitions; remove language that pertains to the use of an ExpressLink ballot printer at the polling place as that was specific to the 2018 primary election; provide additional requirements on guidelines for acceptance of petitions and for counting signatures on petitions; provide a sample size for the random sample table for statewide candidates to allow for up to 20,000 signatures to be submitted; provide additional language in the petition circulator’s oath on the statewide initiative, referendum, and initiated constitutional amendment petitions to include that the circulator is not attesting to any signature obtained by another person and that the circulator is a resident of South Dakota; amend the affidavit of completed ballot petition to include new language the petition sponsor needs to provide on each circulator; add a new column to the recapitulation sheet to provide for ballot counts for those counties using the new ExpressVote ballot marking device; and clarify the instructions absentee voters receive to inform them they need to pay the postage to return their absentee ballot and that the ballot must be received by the person in charge of the election before the polls close; 44 SDR 167, May 14, 2018.

6-18-2018	Department of Labor and Regulation: Division of Insurance: Amend rules to update the sources referenced in rule, and update the definition of “health organization” to include “hospital”; 44 SDR 179, June 4, 2018.
6-25-2018	Department of Labor and Regulation: SD Cosmetology Commission: Amend rules to eliminate two-tier instructor licensing; allow for substitute instructors; reduce cosmetology and apprentice education hours; set minimum curriculum hours; clarify school reporting requirements; change the instructor to student ratio; allow students to take their licensure State Board exams prior to finishing their education so that they can immediately join the work force upon completion of their education; and eliminate salon licensure requirements for certain assisted living facilities; 44 SDR 179, June 4, 2018.
6-28-2018	Department of Health: Board of Nursing: Amend rules to add certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), certified nurse practitioners (CNP), and certified nurse midwives (CNM) to the definition of school; raise the biennial renewal fees for RNs, LPNs, CRNAs, and CNSs from \$70 to \$95; update the rules for the approval of nursing education programs and add requirements for approval of advanced practice nursing programs; repeal outdated rules regarding the Nurse Licensure Compact; and update the rules for nurse practitioners and nurse midwives; 44 SDR 171, May 21, 2018.
7-16-2018	Department of Education: South Dakota Board of Education Standards: Repeal certain rules regarding postsecondary technical education to permit the Board of Technical Education to assume authority over the postsecondary technical institutes; amend rules to allow educators an additional year to complete the required coursework for CTE educator certification; create a new educator certification endorsement for the Government and Public Administration Career Cluster; and amend high school graduation requirements for South Dakota schools; 44 SDR 183, June 11, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, July 9, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held August 20, September 17, and November 13.

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>.

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