

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., June 12, 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.)

Office of Attorney General: Law Enforcement Officers Standards and Training Commission: (June 6, 2017) intends to adopt a rule to permit the temporary appointment of certified law enforcement officers in South Dakota in order to provide assistance under an Emergency Management Assistance Compact. The general authority for this rule, as cited by the office, is SDCL §§ 23-3-41 and 23-3-35.

A telephonic public hearing will be held at the George S. Mickelson Criminal Justice Center Commission Conference Room, 1302 East Highway 14, Pierre, South Dakota, on June 28, 2017, at 10:00 a.m. CST. The public is invited to participate by calling (646) 749-3122 at the schedule time and use access code 446-781-429 to be connected. A copy of the proposed rule may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 E. Highway 14, Pierre, SD 57501. Written comments and materials must be received no later than June 26, 2017, to be considered. The comment period will remain open until the conclusion of the public hearing. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3584 at least 48 hours before the hearing.

Department of Education: SD School Finance and Accountability Board: (June 9, 2017) intends to adopt rules to establish an appeals process and a set of factors that will be used to determine if a school district be recommended for a waiver from their accountabilities in regards to teacher compensation as outlined in SDCL § 13-13-73.6. The general authority for these rules, as cited by the board, is SDCL § 1-45-38.

A public hearing will be held at the MacKay Building, First Floor, Library Commons, 800 Governors Drive, Pierre, South Dakota, on June 29, 2017, at 1:00 p.m. CDT. Copies of the proposed rules may be obtained without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501 or at

<http://www.doe.sd.gov/board/index.aspx>.

Written comments may be sent to the Department of Education, Attn: Travis Jordan, at the address above or at this website: <https://rules.sd.gov/default.aspx>. Material sent by mail must be received by June 27, 2017, 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 hearing.

Department of Environment and Natural Resources: Board of Minerals and Environment: (June 9, 2017) intends to amend air quality rules by incorporating updated, codified regulations by reference and clarifying when air quality modeling is required. The proposed amendments primarily reflect changes made to the federal air quality regulations as of

June 30, 2016. The general authority for these rules, as cited by the board, is SDCL §§ 34A-1-6, 34A-1-12, 34A-1-15, 34A-1-18, 34A-1-19, and 34A-1-21.

A public hearing will be held via the Digital Dakota Network (DDN) on July 20, 2017, at 10:15 a.m. CT, 9:15 a.m. MT, at the following locations: Brookings – South Dakota State University, 8th & Medary, Pugsley Center, Room 203; Pierre – Capitol Building, 500 E. Capitol Ave., Room B12, Studio A; Rapid City – University Center, 4300 Cheyenne Blvd., Room 113; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; Spearfish – Black Hills State University, 1200 University St., E.Y. Berry Library, Room LIB0011; Vermillion – University of South Dakota, 414 E. Clark, Delzell Education Center, Room 203; and Watertown – Department of Environment and Natural Resources, 2001 9th Ave. SW, Suite 500. Copies of the proposed rules may be obtained from and written comments sent to Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501 or by calling Marlys Heidt at (605) 773-3151 or from the following website: <https://rules.sd.gov/default.aspx>. Material sent by mail or electronic mail must reach the Department by close of business on July 19, 2017, 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) 773-3151 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Proclamation:

Governor Dennis Daugaard, by Executive Proclamation dated June 8, 2017, is convening a special session of the South Dakota Legislature on Monday, June 12, 2017, at 10:00 a.m. CDT.

The purpose of the special session is to consider legislation relating to public recreational use of certain waters overlying public and private property.

Executive Appointments:

Rod Bowar, Kennebec, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2018.

Dana Dykhouse, Sioux Falls, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2020.

Doug Ekeren, Yankton, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2019.

Bob Faehn, Watertown, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2019.

Scott Knuppe, Rapid City, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2018.

Ed Mallett, Watertown, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2018.

Scott Peterson, Belle Fourche, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2019.

Terry Sabers, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2020.

Diana Vander Woude, Sioux Falls, was appointed on May 30, 2017, to the **South Dakota Board of Technical Education**, effective immediately and shall continue until October 31, 2020.

Tiffany Wolfgang, Sioux Falls, was appointed on June 5, 2017, to the **Juvenile Justice Oversight Council**, to replace Amy Iverson-Pollreisz, effective immediately.

Don Goldhorn, Castlewood, was appointed on June 6, 2017, to the **Board of Military Affairs**, effective immediately.

Correction Filed:

Chris Houman Houwman, Sioux Falls, was appointed on May 18, 2017, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2020.

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 Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>6-15-2017</p>	<p>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; change the name of a "Secondary Election" to "Runoff Election;" add judicial office to be listed in the notice of deadline for filing nominating petitions for the primary election; add to the general election ballot "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note;" add to the primary and general election ballot formats to include notations for front and reverse sides, clarifying ballot printing notes, adding an option for county finance officer, and providing the format for State Representative Districts 26 & 28 A and B and new primary and general election ballot formats; amend the tax levy opt-out ballot format to be used by county, municipality or school to provide clarification on the formats; 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 ballot for 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; amend the rule for the random sample on statewide candidates and statewide ballot measures by replacing the 5% random sample requirement to a sample that is statistically correlative to not less than a 95% level of confidence with a margin of error equal to not more than 3.62%; repeal two petitions for conservation district candidates and amend the third petition to change the candidates for district supervisors to run at large instead of by areas; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under and to simplify the application instructions; and remove language requiring an Uniformed Overseas Citizens Absentee Voter to provide their voting residence on the ballot return envelope; 43 SDR 153, May 22, 2017.</p>
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6-16-2017	Department of Health: State 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; 43 SDR 146, May 8, 2017.
6-28-2017	Office of Attorney General: Law Enforcement Officers Standards and Training Commission Adopt a rule to permit the temporary appointment of certified law enforcement officers in South Dakota in order to provide assistance under an Emergency Management Assistance Compact; 43 SDR 169, June 12, 2017.
6-29-2017	Department of Education: SD School Finance and Accountability Board Adopt rules to establish an appeals process and a set of factors that will be used to determine if a school district be recommended for a waiver from their accountabilities in regards to teacher compensation as outlined in SDCL § 13-13-73.6; 43 SDR 169, June 12, 2017.
6-30-2017	Department of Labor and Regulation: Appraiser Certification Program Amend rules to define each appraiser classification; define a certificate, license and registration as a credential; modify certain language, re-structure sentences, and correct errors; allow reciprocal appraisers to be eligible to become supervisory appraisers without having to be certified in South Dakota for three years; and clarify that a state-registered appraiser is required to complete an examination prescribed by the secretary; 43 SDR 159, May 30, 2017.
7-14-2017	Department of Education: State Historical Society Amend rules to update reference materials; set standard fees for services provided; revise the museum rental fees; eliminate the fee for purchasing a USGS map; and correct a SDCL reference; 43 SDR 159, May 30, 2017.
6-20-2017 Changed to 7-18-2017	Department of Public Safety Amend rules to adopt the 2015 edition of the National School Transportation Specifications and Procedures, adopt the 2017 Commercial Vehicle Safety Alliance's "North American Standard Out-of-Service Criteria", revise the requirements for motorcycle safety education courses, remove the requirement of providing a social security number when transferring a compliant out of state driver's license to South Dakota, and updating the federal adoption to match statute; 43 SDR 153, May 22, 2017.
7-20-2017	Department of Environment and Natural Resources: Board of Minerals and Environment Update the state's existing hazardous waste rules by incorporating updated, codified federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2012 through June 30, 2016. Changes include establishing procedures for identifying and managing certain hazardous secondary materials destined for recycling, management standards for solvent-contaminated wipes, establishing a framework for the use of electronic manifests, revisions to requirements involving imports and exports of hazardous wastes, and incorporating technical and typographical corrections to the federal rules; 43 SDR 159, May 30, 2017.
7-20-2017	Department of Environment and Natural Resources: Board of Minerals and Environment Amend air quality rules by incorporating updated, codified regulations by reference and clarifying when air quality modeling is required. The proposed amendments primarily reflect changes made to the federal air quality regulations as of June 30, 2016; 43 SDR 169, June 12, 2017.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, July 17, 2017, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2017 interim: August 22, September 25, and 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>.

