

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., June 19, 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 Agriculture: Animal Industry Board: (June 14, 2017) intends to amend rules to include composting as a carcass disposal option for livestock producers, change and update current language of reference material, allow for individuals in South Dakota to possess non-domestic swine (family Suidae) under permit from the board, eliminate the grandfather type of captive non-domestic possession permit, and repeal rules that are no longer applicable. The general authority for these rules, as cited by the board, is SDCL §§ 40-3-9, 40-3-14, 40-3-25, 40-3-26, 40-5-5.1, and 40-5-8.6.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on July 11, 2017, at 9:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 S. Fort St., Pierre, SD 57501. Material sent by mail must reach the Board Office by July 10, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 or (605) 223-7684 (TDD) before to the hearing.

Department of Education: Board of Education: (June 14, 2017) intends to amend Principal Performance Standards & Evaluations rules to create local flexibility in decisions

regarding implementation of principal evaluation systems. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1 and 13-3-69.

A public hearing will be held at the Matthew Training Center, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota, on July 17, 2017, at 8:30 a.m. CT. 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 board at the address above or at this website: <https://rules.sd.gov/default.aspx>. Material sent by mail must be received by July 13, 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.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: Article 24:28.

History-Notice: 43 SDR 95, January 3, 2017
Hearing: March 20, 2017
Filed: June 12, 2017
Effective: July 3, 2017

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:05:16:19; 24:05:27:17; 24:10:48:01; Chapters 24:15:01 to 24:15:06, inclusive; 24:15:07:01 to 24:15:07:04, inclusive; Chapters 24:15:08 to 24:15:10, inclusive;

24:18:01:01; 24:43:10:01; Chapter 24:43:13; and 24:53:02:01.

History-Notice: 43 SDR 119, Feb. 27, 2017
 Hearing: March 20, 2017
 Filed: June 12, 2017
 Effective: July 3, 2017

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:10:42:27, 24:10:42:28;

24:10:49:01 to 24:10:49:07, inclusive; 24:17:03:06; 24:55:02:03, 24:55:02:05, 24:55:02:06, 24:55:02:09, 24:55:02:09.01, 24:55:02:09.02, Appendices C, D, and G; 24:55:03:15; 24:55:04:06, 24:55:04:08.01; 24:57:01:01; and 24:57:02:03.

History-Notice: 43 SDR 135, April 17, 2017
 Hearing: May 15, 2017
 Filed: June 12, 2017
 Effective: July 3, 2017

DEPARTMENT OF HEALTH: COSMETOLOGY COMMISSION:

20:42:01:01; 20:42:03:04, 20:42:03:12, 20:42:03:13; 20:42:04:04, 20:42:04:04.03, 20:42:04:05.01, 20:42:04:08.01, 20:42:04:09.01, 20:42:04:10.01; 20:42:06:05, 20:42:06:32; 20:42:08:03, 20:42:08:03.01, 20:42:08:04, 20:42:08:05.01, and 20:42:08:09.

History-Notice: 43 SDR 136, April 17, 2017
 Hearing: May 5, 2017
 Filed: June 13, 2017
 Effective: July 3, 2017

DEPARTMENT OF HUMAN SERVICES: DIVISION OF REHABILITATION SERVICES: 46:31:02:03, 46:31:02:04.01; 46:31:06:01, and 46:31:06:02.

History-Notice: 43 SDR 133, April 10, 2017
 Hearing: May 19, 2017
 Filed: June 13, 2017
 Effective: July 3, 2017

Executive Appointments:

Terrance Dosch, Pierre, was appointed on June 7, 2017, to the **Mental Health Oversight Council**, effective immediately.

AJ Franken, Pierre, was appointed on June 7, 2017, to the **Mental Health Oversight Council**, effective immediately.

Amy Iversen-Pollreisz, Pierre, was appointed on June 7, 2017, to the **Mental Health Oversight Council**, effective immediately.

Mike Milstead, Sioux Falls, was appointed on June 12, 2017, to the **Mental Health Oversight Council**, effective immediately.

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>6-28-2017</p>	<p>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.</p>
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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.
7-11-2017	Department of Agriculture: Animal Industry Board Amend rules to include composting as a carcass disposal option for livestock producers, change and update current language of reference material, allow for individuals in South Dakota to possess non-domestic swine (family Suidae) under permit from the board, eliminate the grandfather type of captive non-domestic possession permit, and repeal rules that are no longer applicable; 43 SDR 175, June 19, 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.
7-17-2017	Department of Education: Board of Education Amend Principal Performance Standards & Evaluations rules to create local flexibility in decisions regarding implementation of principal evaluation systems; 43 SDR 175, June 19, 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.
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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>.