# SOUTH DAKOTA REGISTER

Published weekly by the Legislative Research Council

Volume 46 Tuesday, 8:00 a.m., November 12, 2019

## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

### Petition for Rules

The **Department of Game, Fish and Parks** on November 5, 2019, served petitions to amend administrative rules regarding fish limits for flathead catfish and the way preference points are calculated for the Custer State Park Elk Hunting Season. The Game, Fish and Parks Commission reviewed the petitions at its November 7, 2019, meeting.

## FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

### Final Administrative Rules

**DEPARTMENT OF SOCIAL SERVICES:** 67:16:29:04.01; 67:16:39:07.

**History/Notice:** Reverted by Interim Rules Review Committee on September 9, 2019
**Hearing:** November 4, 2019
**Filed:** November 4, 2019
**Effective:** November 25, 2019

**DEPARTMENT OF TRANSPORTATION:** 70:01:02:32; 70:03:01:65; 70:15:01:01 through 70:15:01:13.

**History/Notice:** 46 SDR 54, October 7, 2019
**Hearing:** October 24, 2019
**Filed:** November 4, 2019
**Effective:** November 25, 2019

**SOUTH DAKOTA BOARD OF BARBER EXAMINERS (DEPARTMENT OF LABOR AND REGULATION):** 20:39:02:01, 20:39:02:02, 20:39:02:03, 20:39:02:04; 20:39:03:01, 20:39:03:01.01, 20:39:03:02, 20:39:03:03, 20:39:03:04, 20:39:03:05, 20:39:03:06.

**History/Notice:** 46 SDR 49, September 30, 2019
**Hearing:** October 21, 2019
**Filed:** November 4, 2019
**Effective:** November 25, 2019

**SOUTH DAKOTA BOARD OF MINERALS AND ENVIRONMENT (DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:** 74:36:01:01, 74:36:01:05, 74:36:01:19, 74:36:01:20; 74:36:02:02, 74:36:02:03, 74:36:02:04, 74:36:02:05; 74:36:03:01, 74:36:03:02; 74:36:05:04, 74:36:05:16.01; 74:36:07:01 through 74:36:07:07.01, 74:36:07:09, 74:36:07:10, 74:36:07:12 through 74:36:07:28, 74:36:07:31 through 74:36:07:147; 74:36:08:01 through 74:36:08:130; 74:36:09:02, 74:36:09:03; 74:36:10:02, 74:36:10:03.01, 74:36:10:05, 74:36:10:07, 74:36:10:08; 74:36:11:01; 74:36:12:01, 74:36:12:03;

74:36:13:02, 74:36:13:03, 74:36:13:04, 74:36:13:06, 74:36:13:07, 74:36:13:08; 74:36:16:01 through 74:36:16:05; 74:36:18:10; 74:36:20:05; 74:36:21:02, 74:36:21:04, 74:36:21:05, 74:36:21:09.

**History/Notice:** 46 SDR 39, September 16, 2019
**Hearing:** October 17, 2019
**Filed:** November 5, 2019
**Effective:** November 25, 2019

**DIVISION OF INSURANCE (DEPARTMENT OF LABOR AND REGULATION):** 20:06:18:07, 20:06:18:08.

**History/Notice:** 46 SDR 45, September 23, 2019
**Hearing:** October 11, 2019
**Filed:** November 5, 2019
**Effective:** November 25, 2019

**DEPARTMENT OF HEALTH:** 44:12:01:01 through 44:12:01:35.

**History/Notice:** 46 SDR 26, August 19, 2019
**Hearing:** September 23, 2019
**Filed:** November 6, 2019
**Effective:** November 26, 2019

**DEPARTMENT OF HEALTH:** 44:59:01:01, 44:59:01:04, 44:59:01:05, 44:59:01:06, 44:59:01:07, 44:59:01:08.

**History/Notice:** 46 SDR 29, August 26, 2019
**Hearing:** September 23, 2019
**Filed:** November 6, 2019
**Effective:** November 26, 2019

**DEPARTMENT OF HEALTH:** 44:70:01:01, 44:70:01:02, 44:70:01:05, 44:70:01:07, 44:70:01:08, 44:70:01:09; 44:70:02:02, 44:70:02:03, 44:70:02:08, 44:70:02:10, 44:70:02:11, 44:70:02:17; 44:70:03:01, 44:70:03:02, 44:70:03:02.01, 44:70:03:03, 44:70:03:04; 44:70:04:02, 44:70:04:04, 44:70:04:07, 44:70:04:08, 44:70:04:10, 44:70:04:12, 44:70:04:13, 44:70:04:13.01, 44:70:04:14, 44:70:04:16, 44:70:04:18; 44:70:05:01, 44:70:05:02, 44:70:05:03, 44:70:05:04, 44:70:05:05, 44:70:05:06, 44:70:05:07; 44:70:06:02, 44:70:06:03, 44:70:06:05, 44:70:06:06, 44:70:06:07, 44:70:06:09, 44:70:06:10, 44:70:06:11, 44:70:06:14, 44:70:06:15, 44:70:06:17, 44:70:06:18; 44:70:07:01, 44:70:07:03, 44:70:07:05 through 44:70:07:08, 44:70:07:09; 44:70:08:03 through 44:70:08:06; 44:70:09:02, 44:70:09:03, 44:70:09:04, 44:70:09:07, 44:70:09:08, 44:70:09:10, 44:70:09:11 through 44:70:09:14; 44:70:10:01 through 44:70:10:05, 44:70:10:09, 44:70:10:10, 44:70:10:12, 44:70:10:15, 44:70:10:16, 44:70:10:20 through 44:70:10:23, 44:70:10:25, 44:70:10:26, 44:70:10:27, 44:70:10:29, 44:70:10:30, 44:70:10:36, 44:70:10:37, 44:70:10:38.

**History/Notice:** 46 SDR 41, September 16, 2019
**Hearing:** October 15, 2019
**Filed:** November 6, 2019
**Effective:** November 26, 2019

**DEPARTMENT OF HEALTH:** 44:67:04:12.

**History/Notice:** 46 SDR 40, September 16, 2019
**Hearing:** October 15, 2019
**Filed:** November 6, 2019
**Effective:** November 26, 2019

**DEPARTMENT OF REVENUE:** 64:80:01:01; 64:80:02:01, 64:80:02:02; 64:80:03:01, 64:80:03:02, 64:80:03:03, 64:80:03:04, 64:80:03:05, 64:80:03:06, 64:80:03:07, 64:80:03:08, 64:80:03:09; 64:80:04:01, 64:80:04:02, 64:80:04:03, 64:80:04:04; 64:80:05:01, 64:80:05:02, 64:80:05:03, 64:80:05:04, 64:80:05:05, 64:80:05:06; 64:80:06:01.

**History/Notice:** 46 SDR 32, September 3, 2019
**Hearing:** October 1, 2019
**Filed:** November 6, 2019
**Effective:** November 26, 2019

**DEPARTMENT OF REVENUE:** 64:26:02:12.

**History/Notice:** 46 SDR 45, September 23, 2019
**Hearing:** October 10, 2019
**Filed:** November 6, 2019
**Effective:** November 26, 2019

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:** 74:21:02:40, 74:21:02:52.

**History/Notice:** 46 SDR 20, August 5, 2019
**Hearing:** September 10, 2019
**Filed:** November 7, 2019
**Effective:** November 27, 2019

**DIVISION OF DEVELOPMENTAL DISABILITIES (DEPARTMENT OF HUMAN SERVICES):** 46:04:01:03.01, 46:0:0:16, 46:04:01:18, 46:04:01:27; 46:11:04:15.01, 46:11:04:15.03; 46:11:05:03; 46:11:08:03; 46:11:09:02, 46:11:09:11; 46:11:10:03, 46:11:10:05, 46:11:10:06, 46:11:10:07, 46:11:10:08, 46:11:10:09, 46:11:10:11, 46:11:10:12, 46:11:10:13, 46:11:10:15.

**History/Notice:** 46 SDR 39, September 16, 2019
**Hearing:** October 10, 2019
**Filed:** November 7, 2019
**Effective:** November 27, 2019

**SOUTH DAKOTA LOTTERY (DEPARTMENT OF REVENUE):** 48:02:08:09.

**History/Notice:** 46 SDR 25, August 19, 2019
**Hearing:** September 12, 2019
**Filed:** November 7, 2019
**Effective:** November 27, 2019

**SOUTH DAKOTA REAL ESTATE COMMISSION (DEPARTMENT OF LABOR AND REGULATION):** 20:69:18:01.

**History/Notice:** 46 SDR 50, September 30, 2019
**Hearing:** October 23, 2019
**Filed:** November 8, 2019
**Effective:** November 28, 2019

## Executive Appointments

| Appointee | Appointed by | Succeeding | Effective/End Date |
|---|---|---|---|
| **South Dakota Board of Nursing**<br>Darlene Bergeleen<br>Wessington Springs | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Animal Industry Board**<br>Lynn D. Boadwine<br>Baltic | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota Board of Nursing**<br>Carla J. Borchardt<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **State Board of Funeral Service**<br>Randy Brennick<br>Sturgis | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota Board of Accountancy**<br>Diedre Budahl<br>Rapid City | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Examiners for Counselors and Marriage and Family Therapists**<br>Tiffany Butler<br>Lennox | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota State Railroad Board**<br>Jerry Cope<br>Rapid City | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Council of Juvenile Services**<br>Kimberly J. Cournoyer<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Behavioral Health Advisory Council**<br>Angie Dammer<br>Sioux Falls | Governor | Daniele Dosch | 10/31/2019 – 10/30/2022 |
| **South Dakota Board of Technical Education**<br>Doug Ekeren<br>Yankton | Governor | Reappointed | 11/1/2019 – 10/31/2022 |

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| **Board of Massage Therapy** | | | |
| Christine A. Ellwein<br>Fort Pierre | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Economic Development** | | | |
| David Emery<br>Rapid City | Governor | Dale Clement | 10/15/2019 – 4/19/2021 |
| **South Dakota Board of Technical Education** | | | |
| Bob Faehn<br>Watertown | Governor | Reappointed | 11/1/2019 – 10/31/2022 |
| **Abstracters' Board of Examiners** | | | |
| Terra Fischer<br>Pierre | Governor | Kara Semmler | 10/15/2019 – 4/1/2021 |
| **Board of Internal Control** | | | |
| Heather Forney<br>Pierre | Governor | Monte Kramer | 10/15/2019 |
| **Council of Economic Advisors** | | | |
| Carla Gatzke<br>Brookings | Governor | David Sweet | 10/8/2019 – 6/30/2021 |
| **Behavioral Health Advisory Council** | | | |
| Matt Glanzer<br>Sioux Falls | Governor | LeLewis Gipp | 10/31/2019 – 10/30/2022 |
| **Behavioral Health Advisory Council** | | | |
| Bryan Harberts<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Workers' Compensation Advisory Council** | | | |
| Russ Hohn<br>Blunt | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Addiction and Prevention Professionals** | | | |
| Kristi Jacobsma<br>Sioux Falls | Governor | Diane Sevening | 10/31/2019 – 10/30/2022 |
| **Behavioral Health Advisory Council** | | | |
| Katherine Jaeger<br>Dakota Dunes | Governor | Reappointed | 10/31/2019 – 10/30/2022 |

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| **Wheat Utilization Research and Marketing Development Commission** | | | |
| Bryan Jorgensen<br>Ideal | Governor | Chet Edinger | 10/31/2019 – 10/30/2022 |
| **South Dakota Economic Development Finance Authority Board of Directors** | | | |
| Matt Judson<br>Pierre | Governor | Terry Nelson | 10/15/2019 – 6/30/2020 |
| **South Dakota Crime Victims' Compensation Commission** | | | |
| Rebecca Kiesow-Knudsen<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota State Railroad Board** | | | |
| Jon Kirby<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Examiners for Counselors and Marriage and Family Therapists** | | | |
| Roswitha M. Konz<br>Mitchell | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **State Board of Pharmacy** | | | |
| Cheri Kraemer<br>Sioux Falls | Governor | Lisa Rave | 10/2/2019 – 10/1/2022 |
| **Visitation Grant Advisory Group** | | | |
| Tascha Lamb<br>Pierre | Governor | Gregory Dean | 10/15/2019 – 6/30/2022 |
| **State Board of Medical and Osteopathic Examiners** | | | |
| Laurie Landeen<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Council of Juvenile Services** | | | |
| Angela Lisburg<br>Pierre | Governor | Keith Bonenberger | 10/31/2019 – 10/30/2022 |
| **State Library Board** | | | |
| Monte Loos<br>Rapid City | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota Aeronautics Commission** | | | |
| Dave Luers<br>Pierre | Governor | Reappointed | 10/31/2019 – 10/30/2022 |

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| **American Dairy Association of South Dakota** | | | |
| Kim Maher<br>Lake Norden | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Fire Marshal's Advisory Board** | | | |
| Calen Maningas<br>Rapid City | Governor | Reappointed | 10/15/2019 – 4/12/2022 |
| **South Dakota Board of Nursing** | | | |
| Christi McArthur<br>Summerset | Governor | Kristin Possehl | 10/31/2019 – 10/30/2022 |
| **Council of Juvenile Services** | | | |
| Sara McGregor-Okroi<br>Sisseton | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Statewide One-Call Notification Center Board** | | | |
| Steve Mohr<br>Sioux Falls | Governor | Erin Hayes | 11/1/2019 – 10/31/2022 |
| **Board of Massage Therapy** | | | |
| Bridget J. Myers<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota Aeronautics Commission** | | | |
| Kassidy Nelson<br>Aberdeen | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **State Library Board** | | | |
| Jane Norling<br>Beresford | Governor | Trista Friman | 10/31/2019 – 10/30/2022 |
| **South Dakota Board of Hearing Aid Dispensers and Audiologists** | | | |
| Ann Oldenkamp<br>Spearfish | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Council of Juvenile Services** | | | |
| Elizabeth O'Toole<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota Public Safety Communications Council** | | | |
| James Pearson<br>Agency Village | Governor | Christopher Saunsoci | 10/15/2019 – 6/30/2022 |

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| **South Dakota Board of Technical Education** | | | |
| Scott Peterson<br>Belle Fourche | Governor | Reappointed | 11/1/2019 – 10/31/2022 |
| **Board of Social Work Examiners** | | | |
| Abby Rehorst<br>Spearfish | Governor | David Nielson | 10/31/2019 – 10/30/2022 |
| **Behavioral Health Advisory Council** | | | |
| Linda Reidt-Kilbur<br>Rapid City | Governor | Susan Sandgren | 10/31/2019 – 10/30/2022 |
| **State Board of Dentistry** | | | |
| Nick Renemans<br>Pierre | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Examiners for Counselors and Marriage and Family Therapists** | | | |
| Lynell M. Rice-Brinkworth<br>Black Hawk | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Examiners of Psychologists** | | | |
| Brian Roegiers<br>Sioux Falls | Governor | Abby Rehorst | 10/15/2019 – 10/30/2020 |
| **Animal Industry Board** | | | |
| Steven R. Rommereim<br>Alcester | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Certified Professional Midwives** | | | |
| Susan Rooks<br>Oral | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Wheat Utilization Research and Marketing Development Commission** | | | |
| Julian Roseth<br>Midland | Governor | Clint Vanneman | 10/31/2019 – 10/30/2022 |
| **Council of Juvenile Services** | | | |
| Tierney Scoblic<br>Vermillion | Governor | Tanaih Apple | 10/31/2019 – 10/30/2022 |
| **South Dakota Retirement System Board of Trustees** | | | |
| Darin Seeley<br>Pierre | Governor | Laurie Gill | 10/11/2019 |

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| **American Dairy Association of South Dakota** | | | |
| Annelies Seffrood<br>Summit | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Behavioral Health Advisory Council** | | | |
| Karen Severns<br>Aberdeen | Governor | Emily Williams | 10/15/2019 |
| **State Board of Medical and Osteopathic Examiners** | | | |
| Aaron Shives<br>Watertown | Governor | Elmo Rosario | 10/31/2019 – 10/30/2022 |
| **South Dakota Board on Geographic Names** | | | |
| Pat Snyder<br>Pierre | Governor | Brian Gustafson | 10/15/2019 |
| **State Board of Pharmacy** | | | |
| Dan Somsen<br>Yankton | Governor | Reappointed | 10/02/2019 – 10/1/2022 |
| **Workers' Compensation Advisory Council** | | | |
| Randy Stainbrook<br>Rapid City | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **State Board of Podiatry Examiners** | | | |
| Carolyn K. Stansberry<br>St. Onge | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota Board of Accountancy** | | | |
| Jeff Strand<br>Sioux Falls | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **Board of Massage Therapy** | | | |
| Alvin Trace<br>Hermosa | Governor | Natalie Marsh | 10/15/2019 – 10/30/2020 |
| **State Board of Medical and Osteopathic Examiners** | | | |
| Suzanne Veenis<br>Sioux Falls | Governor | Nancy Turbak Berry | 10/31/2019 – 10/30/2022 |
| **Behavioral Health Advisory Council** | | | |
| Eric Weiss<br>Pierre | Governor | Bernie Grimme | 10/15/2019 |

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| **State Banking Commission** | | | |
| Richard Westra<br>Aberdeen | Governor | Reappointed | 10/31/2019 – 10/30/2022 |
| **South Dakota Public Safety Communications Council** | | | |
| John Wiik<br>Big Stone City | Governor | Justin Cronin | 10/15/2019 – 6/30/2021 |
| **Board of Barber Examiners** | | | |
| Kristy Wright<br>Redfield | Governor | Reappointed | 10/31/2019 – 10/30/2022 |

## SCHEDULED PUBLIC HEARINGS

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|---|---|
| **2-11-2020** | **February 2020 Rules Hearing:** A Supreme Court Rules Hearing will be held in the Courtroom of the Supreme Court, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota on February 11, 2020, at 11:00 a.m. CT. An original and five copies of proposals for amendment or adoption of rules should be filed with the Clerk of the Supreme Court no later than December 6, 2019. Submitters must comply with SDCL 16-3-5.1 when submitting proposals; 46 SDR 57, October 15, 2019. |

## RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed their meeting schedule for the 2019 Interim. Watch for notices of 2020 meetings in this publication, on the LRC website, and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the Administrative Rules Manual page of the LRC website.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Information from the Register is available free of charge on the LRC website (www.sdlegislature.gov/).
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