

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., April 8, 2019

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

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 Environment and Natural Resources: (April 1, 2019) intends to amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program. The general authority for these rules, as cited by the department, is SDCL §§ 34A-1-58 and 34A-1-60.

A public hearing will be held in the Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on May 7, 2019, at 3:00 p.m. CT. Copies of the proposed rules may be obtained without charge by calling Ashley Brakke at (605) 773-3151 or online at <http://denr.sd.gov/des/aq/aafees.aspx>.

Written comments may be sent to South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail and electronic comments must reach the department by May 20, 2019, 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) 773-3151 at least 48 hours before the public hearing.

Department of Transportation:

(April 3, 2019) intends to amend rules concerning assistance for public transportation to update definitions of terms; address changes in South Dakota law; and modify requirements relating to the application process, eligibility determinations, fund disbursements, and grant performance reviews for federal transit grants, state matching fund grants, and intercity bus service grants. The general authority for these rules, as cited by the department, is SDCL §§ 1-44-7.3 and 1-44-7.4.

A public hearing will be held in the Commission Room, Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on April 25, 2019, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Secretary of Transportation, Becker-Hansen Building, 700 E. Broadway Avenue, Pierre, SD 57501. Comments may also be emailed to Darin.Bergquist@state.sd.us. Material sent by mail or email must reach the department on or before April 22, 2019, 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) 773-3540 or (800) 877-1113 (Telecommunication Relay Service for the Deaf) no later than two business days prior to the hearing.

NOTICE:

Filed: April 1, 2019
Effective: April 22, 2019

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan concerning disproportionate share payments. The proposed State Plan Amendment (SPA) clarifies the criteria for a hospital to qualify for a disproportionate share payment. The SPA amends pages 6, 7, and 8 of Attachment 4.19-A of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective May 1, 2019 and estimates there will be no federal fiscal impact in Federal Fiscal Year 2019 and Federal Fiscal Year 2020. The SPA can be viewed at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. 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.

DEPARTMENT OF TRANSPORTATION:

70:14:01:01, 70:14:01:02, 70:14:01:03, 70:14:01:04, 70:14:01:05, 70:14:01:06, 70:14:01:07, 70:14:01:08, 70:14:01:09, 70:14:01:10, 70:14:01:11, 70:14:01:12, 70:14:01:13.

History-Notice: 45 SDR 97, Jan. 14, 2019
Hearing: January 31, 2019
Filed: April 1, 2019
Effective: April 22, 2019

Executive Appointments:

Christine Stewart-Nunez, Brookings, was appointed on March 26, 2019, to the **Poet Laureate of South Dakota**, to replace Lee Ann Roripaugh, effective July 1, 2019, and shall continue until June 30, 2023.

David Flute, Pierre, was appointed on March 28, 2019, to the **Juvenile Justice Oversight Council**, to replace Steve Emery, effective March 27, 2019.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF AGRICULTURE:
SOUTH DAKOTA ANIMAL INDUSTRY**

BOARD: 12:68:16:01, 12:68:16:02, 12:68:16:02.01, 12:68:16:03, 12:68:16:07.

History-Notice: 45 SDR 109, Feb. 19, 2019
Hearing: March 12, 2019
Filed: March 29, 2019
Effective: April 18, 2019

NOTE REGARDING ADOPTED 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.

DEPARTMENT OF TRANSPORTATION:

70:01:02:55, 70:01:02:67.

History-Notice: 45 SDR 74, Nov. 13, 2018
Hearing: November 29, 2018

REMINDER OF HEARINGS SCHEDULED

4-16-2019	Office of the Secretary of State: Board of Finance: Amend rules to increase in-state lodging rates for state employees to \$75 plus tax per night and increase per diem rates for state employees to a maximum of \$40 per day for in-state and \$56 per day for out-of-state travel claims; 45 SDR 120, March 25, 2019.
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4-17-2019	Department of Agriculture: Amend rules to increase the number of voting districts for members of the Soybean Research and Promotion Council from seven to nine and reorganize the counties into those nine new districts; 45 SDR 120, March 25, 2019.
4-25-2019	Department of Transportation: Amend rules concerning assistance for public transportation to update definitions of terms; address changes in South Dakota law; and modify requirements relating to the application process, eligibility determinations, fund disbursements, and grant performance reviews for federal transit grants, state matching fund grants, and intercity bus service grants; 45 SDR 127, April 8, 2019.
5-7-2019	Department of Environment and Natural Resources: Amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program; 45 SDR 127, April 8, 2019.
5-20-2019	Department of Education: South Dakota Board of Education Standards: Amend rules to update language to reflect industry standards; correct references to national program standards where applicable; and align terminology and requirements with educator certification rules updated; 45 SDR 124, April 1, 2019.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2019 Interim is Monday, May 6, 2019, at 10:00 a.m. CT in Room 414 of the State Capitol. Other meetings scheduled for the 2019 interim will be held June 3, July 8, August 12, September 9, and November 4.

Watch for notices of 2019 Rules Review Committee meetings in this publication, on the LRC website, and at the Capitol.

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>.