

# REGISTER



## South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., April 29, 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 Labor and Regulation:**

**Division of Insurance:** (April 23, 2019) intends to amend rules to expand the availability of fully-insured and self-funded association health plans while maintaining consumer protections; repeal Rule 505; and amend the requirements for certain hearings where the Division reviews a proposed transaction for fairness. The general authority for these rules, as cited by the department, is SDCL §§ 47-31B-203, 47-31B-302, 47-31B-605, 58-14-17, 58-18-62, 58-18-79, and 58-18-89.

A public hearing will be held in the Oahe Conference Room, 1st Floor, 124 South Euclid Avenue, Pierre, South Dakota, on May 14, 2019, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Division of Insurance, Administrative Rules, 124 S. Euclid Avenue, 2<sup>nd</sup> Floor, Pierre, SD 57501. The text of the proposed rules will be posted at [http://dlr.sd.gov/insurance/admin\\_rules/public\\_hearings.aspx](http://dlr.sd.gov/insurance/admin_rules/public_hearings.aspx) and [rules.sd.gov](https://rules.sd.gov) or to obtain a Microsoft Word version, email

[mallori.barnett@state.sd.us](mailto:mallori.barnett@state.sd.us). The comment period will remain open for 10 days following the hearing, closing on May 24, 2019. This hearing is being held in a physically accessible place. Persons who have special needs for which the Division can make arrangements are asked to call (605) 773-3563 at least 48 hours before the public hearing.

**Department of Education:**

**South Dakota Board of Technical Education:** (April 25, 2019) intends to amend rules to update the yearly facility fund and National Guard tuition benefit fund set-asides from the total state appropriation; and update the yearly per student allocation appropriated by the South Dakota Legislature in the postsecondary technical institute funding formula. The general authority for these rules, as cited by the board, is SDCL §§ 1-16A-94, 13-39A-12, 13-39A-18, and 13-39A-21.

A public hearing will be held at Lake Area Technical Institute, Student Center, 1201 Arrow Avenue NE, Watertown, South Dakota, on May 15, 2019, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Technical Education, Attn: Nick Wendell, 925 E. Sioux Avenue, Pierre, SD 57501; by email to [nick.wendell@state.sd.us](mailto:nick.wendell@state.sd.us); or online at <https://rules.sd.gov>. Material sent by mail or email must reach the board by May 10, 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) 773-3553 at least 48 hours before the hearing.

**Department of Transportation:**

(April 25, 2019) intends to amend the definitions section of its rules concerning state highway fund loans for local governments to include townships. The general authority for these rules, as cited by the department, is SDCL § 31-5-8.

A public hearing will be held in the Commission Room, Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on May 23, 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](mailto:Darin.Bergquist@state.sd.us). Material sent by mail or email must reach the department on or before May 20, 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.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**Executive Appointments:**

**Roberta Bohlen**, Milbank, was appointed on April 25, 2019, to the **South Dakota Humanities Council**, to replace Scott Rausch,

effective April 10, 2019, and shall continue until December 31, 2022.

**Theodore H. Husted**, Wall, was reappointed on April 25, 2019, to the **Board of Economic Development**, effective April 19, 2019, and shall continue until April 19, 2023.

**David Koupal**, Edgemont, was appointed on April 25, 2019, to the **State Brand Board**, to replace Lyla Hutchison, effective April 24, 2019, and shall continue until January 3, 2022.

**Shauna Sheets**, Rapid City, was appointed on April 25, 2019, to the **Board of Military Affairs**, to replace Kim Vanneman, effective April 10, 2019.

**Lyle Spring**, Union Center, was appointed on April 25, 2019, to the **State Brand Board**, to replace Wanda Blair, effective April 11, 2019, and shall continue until January 3, 2022.

**Richard Trankle**, Rapid City, was reappointed on April 25, 2019, to the **Board of Military Affairs**, effective April 10, 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.

**REMINDER OF HEARINGS SCHEDULED**

<b>5-2-2019</b>	<b>Department of Game, Fish and Parks:</b> Amend rules to change the starting date of the "no boating zone" on Putney Slough from October 15 to October 20; remove the "no boating zone" for Long Lake; create a "no wake zone" in the area known as Compton's Cove Canal; create special any whitetail deer licenses for residents and nonresidents and establish the fees associated with those licenses; change the number of deer licenses that may be issued in the Black Hills hunting season, West River deer hunting season, and East River deer hunting season;
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	establish allocations of resident and nonresident special any whitetail deer licenses; create new private land units for antlerless whitetail deer in the West River and East River deer seasons; change the number of archery antlerless whitetail deer access permits for Adams Homestead and Nature Preserve; allow antlerless archery hunting in units 05A, 11A, 11B, 17A, 18A, 22A, 23A, 25A, 32A, 39B, 45B, 48A, 50A, and 55A, and close unit 59A; allow for an antlerless archery deer license to be valid for Sand Lake National Wildlife Refuge; alter the number of deer licenses that may be issued for the Sand Lake deer hunting season and the Lacreek deer hunting season; alter the beginning date for hunters who possess an unfilled antlerless deer license for any Sand Lake deer hunting unit; change the number of days each unit located within the Waubay National Wildlife Refuge would be open; change the number of deer licenses that may be issued in the Custer State Park deer hunting season; and remove a muzzleloader only restriction within unit CUD-2 of Custer State Park; 45 SDR 132, April 23, 2019.
<b>5-7-2019</b>	<b>Department of Environment and Natural Resources:</b> 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.
<b>5-8-2019</b>	<b>Department of Environment and Natural Resources: Board of Water Management:</b> Amend rules to incorporate by reference the most recent published version of the Code of Federal Regulation for drinking water and add an additional section of the federal rules associated with the Revised Total Coliform Rule to the existing administrative rules for drinking water standards; 45 SDR 133, April 23, 2019.
<b>5-13-2019</b>	<b>Department of Social Services:</b> Amend rules to align language with current practice regarding ceiling tiles in child care programs; expand the income eligibility limit for receiving child care assistance services from 175% to 209% of the federal poverty level; and update a website link; 45 SDR 133, April 23, 2019.
<b>5-14-2019</b>	<b>Department of Labor and Regulation: Division of Insurance:</b> Amend rules to expand the availability of fully-insured and self-funded association health plans while maintaining consumer protections; repeal Rule 505; and amend the requirements for certain hearings where the Division reviews a proposed transaction for fairness; 45 SDR 136, April 29, 2019.
<b>5-15-2019</b>	<b>Department of Education: South Dakota Board of Technical Education:</b> Amend rules to update the yearly facility fund and National Guard tuition benefit fund set-asides from the total state appropriation; and update the yearly per student allocation appropriated by the South Dakota Legislature in the postsecondary technical institute funding formula; 45 SDR 136, April 29, 2019.
<b>5-20-2019</b>	<b>Department of Education: South Dakota Board of Education Standards:</b> 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.
<b>5-23-2019</b>	<b>Department of Transportation:</b> Amend the definitions section of its rules concerning state highway fund loans for local governments to include townships; 45 SDR 137, April 29, 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>.