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South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., May 8, 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 Health: Board of Medical and Osteopathic Examiners: (May 1, 2017) intends to adopt rules to establish different options the Board has when it considers mirroring physician discipline from another state and establish continuing education as a requirement for physical therapy license renewal. The general authority for these rules, as cited by the board, is SDCL §§ 36-4-35 and 36-10-36.

A public hearing will be held at the First Dakota National Bank Building, 101 N. Main Ave., Room 215, Sioux Falls, South Dakota, on June 8, 2017, at 10:00 a.m. and via the Dakota Digital Network (DDN) at the following locations: CAP A, 500 E. Capitol, Pierre, SD and the Rapid City Dept. of Transportation (DOT), 2300 Eglin St., Rapid City, SD. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 101 N. Main Ave., Suite 301, Sioux Falls, SD 57104 or by email to SDBMOE@state.sd.us. The text of the proposed rules is available on the following websites: www.sdbmoe.gov, and www.rules.sd.gov. Written comments must be received by June 4, 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) 367-7781 at least 48 hours before the hearing.

Department of Transportation: (May 4, 2017) is proposing to amend Speed Limit rules in Pennington County to replace the reference to State Trunk Highway 79 with State Highway Maintenance Route 231, the Interstate Highway 90 crossover road at milepost 78.39 is being changed to Exit 78 (New Underwood Road) beginning 0.07 mile south of the centerline of Interstate Highway 90, then north 0.16 mile, and repealing two speed limits in Box Elder due to the county taking jurisdiction; amend a Custer County speed zone rule on U.S. Highway 385, within the boundaries of Wind Cave National Park, to 45 miles per hour, and State Trunk Highway 87, within the boundaries of Wind Cave National Park, to 35 miles per hour; and amend a Meade County speed on State Highway Maintenance Route 231, beginning at the north Pennington County line and proceeding north 1.05 mile to Peaceful Pines Road, would remain 55 miles per hour and then decrease to 45 miles per hour a distance of 0.6 mile east to Norman Avenue, and the Interstate Highway 90 Service Road on the west side of Interstate Highway 90 beginning at Exit 40, then southeasterly to Exit 44 will be decreased from 55 miles per hour to 45 miles per hour. The general authority for these rules, as cited by the department, is SDCL §§ 32-25-7 and 32-25-7.1.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway, Pierre, South Dakota, on May 25, 2017, at 9:30 a.m. CT. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, SD 57501-2586 or comments may be emailed to

Darin.Bergquist@state.sd.us. Copies of the proposed rule are also available at: <http://open.sd.gov>. Material sent by mail or email must reach the department by 5:00 p.m. CT on May 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

Department of Health: State Board of Dentistry: (May 5, 2017) intends to amend rules to update the registration process for dental entities to bring it into compliance with SB 47 and repeal obsolete provisions. The general authority for these rules, as cited by the board is SDCL §§ 36-6A-14, 47-12-1, 47-12-3, 47-12-8, and 47-12-12.

A public hearing will be held in the SD Housing Development Authority Board Room, 3060 E. Elizabeth St., Pierre, South Dakota, on June 16, 2017, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Board of Dentistry, PO Box 1079, Pierre, SD 57501. A copy of the proposed rules is also available on the board's website: <https://www.sdboardofdentistry.com/>. Written comments must reach the board by June 13, 2017, or must be brought to the public hearing 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) 224-1282 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 41:04:02:39, 41:04:02:41, 41:04:02:51, 41:04:02:66; 41:04:05:14, 41:04:05:16.01, 41:06:16:03, 41:06:16:07, 41:06:16:09.01; 41:10:04:02, 41:10:04:03, and 41:10:04:06 to 41:10:04:09, inclusive.

History-Notice: 43 SDR 111, Feb. 13, 2017
 Hearing: March 2, 2017
 Filed: May 2, 2017
 Effective: May 22, 2017

DEPARTMENT OF REVENUE: SOUTH DAKOTA LOTTERY COMMISSION: 48:03:18:01 to 48:03:18:06, inclusive.

History-Notice: 43 SDR 123, March 6, 2017
 Hearing: March 24, 2017
 Filed: May 4, 2017
 Effective: May 24, 2017

Executive Appointment:

Patrick Weber, Pierre, was appointed on May 2, 2017, to the **Midwestern Higher Education Commission**, to replace Liza Clark, 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>5-15-2017</p>	<p>Department of Education: Board of Education Amend rules to include the National Guard Tuition Benefit funds as a set aside in the technical institute budget and set out in rule the PTI per student allocation as set for fiscal</p>
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	year 2018, clarify the distribution and application of technical institute instructor salary support funds for fiscal year 2018, clarify when non-attending students are removed from state aid calculations, suspend calculation of the School Performance Index for the 2016-2017 school year and hold over classifications from the 2014-15 school year, create local flexibility in decisions regarding the incorporation of assessments and student growth ratings in implementation of teacher and principal evaluation systems; 43 SDR 135, April 17, 2017.
5-15-2017	Department of Labor and Regulation: Division of Insurance Amend rules to update sources referenced in rule; incorporate the 2017 Medicare coverage amounts; and require continuing education courses to renew their approval with the Division every five years; 43 SDR 141, May 1, 2017.
5-15-2017	Department of Labor and Regulation: Division of Labor and Management Amend rules to revise the procedure for employee representative elections and revise the workers' compensation fee schedule; 43 SDR 141, May 1, 2017.
5-19-2017	Department of Human Services: Division of Rehabilitation Services Amend rules to bring the interpreter certification level required for criminal proceedings or serious medical procedures corresponding to the certification currently being granted by the Registry of Interpreters for the Deaf (RID); 43 SDR 133, April 13, 2017.
5-25-2017	Department of Transportation Amend Speed Limit rules in Pennington County to replace the reference to State Trunk Highway 79 with State Highway Maintenance Route 231, the Interstate Highway 90 crossover road at milepost 78.39 is being changed to Exit 78 (New Underwood Road) beginning 0.07 mile south of the centerline of Interstate Highway 90, then north 0.16 mile, and repealing two speed limits in Box Elder due to the county taking jurisdiction; amend a Custer County speed zone rule on U.S. Highway 385, within the boundaries of Wind Cave National Park, to 45 miles per hour, and State Trunk Highway 87, within the boundaries of Wind Cave National Park, to 35 miles per hour; and amend a Meade County speed on State Highway Maintenance Route 231, beginning at the north Pennington County line and proceeding north 1.05 mile to Peaceful Pines Road, would remain 55 miles per hour and then decrease to 45 miles per hour a distance of 0.6 mile east to Norman Avenue, and the Interstate Highway 90 Service Road on the west side of Interstate Highway 90 beginning at Exit 40, then southeasterly to Exit 44 will be decreased from 55 miles per hour to 45 miles per hour; 43 SDR 145, May 8, 2017.
6-8-2017	Department of Health: Board of Medical and Osteopathic Examiners Adopt rules to establish different options the Board has when it considers mirroring physician discipline from another state and establish continuing education as a requirement for physical therapy license renewal; 43 SDR 145, May 8, 2017.
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.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, June 5, 2017, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2017 interim: July 17, 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>.