

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., May 14, 2018

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.)

Office of the Secretary of State:

Board of Elections: (May 7, 2018) intends to amend rules to provide a check box on the Voter Registration Address Verification Notice to note if a person no longer resides at that address; clarify the offices for which an independent candidate can run and where to submit petitions in the notice of deadline for filing nominating petitions for the primary election and for filing independent candidate petitions; remove language that pertains to the use of an ExpressLink ballot printer at the polling place as that was specific to the 2018 primary election; provide additional requirements on guidelines for acceptance of petitions and for counting signatures on petitions; provide a sample size for the random sample table for statewide candidates to allow for up to 20,000 signatures to be submitted; provide additional language in the petition circulator's oath on the statewide initiative, referendum, and initiated constitutional amendment petitions to include that the circulator is not attesting to any signature obtained by another person and that the circulator is a resident of South Dakota; amend the affidavit of completed ballot petition to include new language the petition sponsor needs to provide on each circulator; add a new column to the recapitulation sheet to provide for ballot counts for those counties using the new ExpressVote ballot marking device; and clarify the instructions absentee voters receive to

inform them they need to pay the postage to return their absentee ballot and that the ballot must be received by the person in charge of the election before the polls close. The general authority for these rules, as cited by the board, is SDCL §§ 2-1-16, 12-1-9, 12-4-35, and 12-17B-17.

A public hearing will be held in the conference room of the Secretary of State's Office, Business Services Building, 215 East Prospect Avenue, Pierre, South Dakota, on June 18, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the State Board of Elections, c/o Office of the Secretary of State, State Capitol, Suite 204, 500 E. Capitol Avenue, Pierre, SD 57501. Material sent by mail must reach the Office of the Secretary of State on or before June 15, 2018, 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) 773-3537 at least 48 hours before the public hearing.

Department of Health: Board of Medical and Osteopathic Examiners: (May 10, 2018)

intends to amend rules to establish the criteria and approval process for a dry needling course of study that is completed by a physical therapist; and clarify the qualifications of a medical assistant applying for registration. The general authority for these rules, as cited by the board, is SDCL §§ 36-10-36 and 36-9B-7, and House Bill 1079.

A public hearing will be held in Room 215 of the First Dakota National Bank building,

101 North Main Avenue, Sioux Falls, South Dakota, on June 14, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 101 N. Main Avenue, Suite 301, Sioux Falls, SD 57104. Proposed rules text is also available at www.sdbmoe.gov and www.rules.sd.gov. Comments may be sent by email to SDBMOE@state.sd.us. Material sent by mail or email must reach the Board by June 11, 2018, 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 public hearing.

Department of Health: (May 11, 2018) intends to amend rules to clarify the authority and processes that administer the J-1 Visa Program. The general authority for these rules, as cited by the agency, is SDCL § 36-2-22.

A public hearing will be held in Room 107, Hayes Building, 600 East Capitol Avenue, Pierre, South Dakota, on June 13, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 E. Capitol Avenue, Pierre, SD 57501. Copies are available online at www.doh/sd/gov/News or www.rules.sd.gov. Material sent by mail must reach the Department by June 25, 2018, 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) 773-3361 at least 48 hours before the public hearing.

Correction:

The April 30, 2018 Register inadvertently included 24:30:01:08 among the list of rules being filed with the Secretary of State’s office by the Department of Education: State Library Board on April 25, 2018. No changes have been made to that rule. We apologize for the error and any confusion that may have resulted from its inclusion in the listing.

FILINGS IN THE SECRETARY OF STATE’S OFFICE:

**DEPARTMENT OF HEALTH:
BOARD OF MEDICAL AND
OSTEOPATHIC EXAMINERS:**
20:66:03:01.

History-Notice: 44 SDR 123, Feb. 5, 2018
Hearing: March 8, 2018
Filed: April 16, 2018
Effective: May 7, 2018

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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

5-14-2018	Department of Labor and Regulation: Division of Labor and Management: Amend rules to revise the workers compensation fee schedule; 44 SDR 157, April 23, 2018.
5-14-2018	Department of Labor and Regulation: Appraiser Certification Program: Amend rules to lower the number of months and hours of experience for the State-Licensed and State-Certified Residential appraiser; lower the percentage of

	required residential appraisal experience hours for the State-Certified Residential appraiser; lower the number of months of experience for the State-Certified General appraiser; correct certain terminology for consistency; add general education options for the State-Certified Residential appraiser; repeal the general education requirements for State-Licensed appraiser; provide an alternative to general education requirements for the State-Licensed appraiser to upgrade to State-Certified Residential appraiser; clearly state the late renewal application deadline; establish the late fee for late completion of the update course; and clearly affirm the deadline for completion of the update course; 44 SDR 150, April 16, 2018.
5-24-2018	Department of Transportation: Amend rules to change the speed limit from 35 to 25 miles per hour on portions of U.S. Highway 14A in and around Lead and Deadwood; 44 SDR 165, May 7, 2018.
6-13-2018	Department of Health: Amend rules to clarify the authority and processes that administer the J-1 Visa Program; 44 SDR 168, May 14, 2018.
6-14-2018	Department of Health: Board of Medical and Osteopathic Examiners: Amend rules to establish the criteria and approval process for a dry needling course of study that is completed by a physical therapist; and clarify the qualifications of a medical assistant applying for registration; 44 SDR 167, May 14, 2018.
6-15-2018	Department of Health: South Dakota State Board of Dentistry: Amend rules to remove obsolete provisions, update references, clarify and update requirements regarding licensure and registration, clinical competency examinations, and continuing education to make the rules more uniform; and move administrative rules to better organize rules by designated licensee or registrant categories; 44 SDR 161, April 30, 2018.
6-18-2018	Office of the Secretary of State: Board of Elections: Amend rules to provide a check box on the Voter Registration Address Verification Notice to note if a person no longer resides at that address; clarify the offices for which an independent candidate can run and where to submit petitions in the notice of deadline for filing nominating petitions for the primary election and for filing independent candidate petitions; remove language that pertains to the use of an ExpressLink ballot printer at the polling place as that was specific to the 2018 primary election; provide additional requirements on guidelines for acceptance of petitions and for counting signatures on petitions; provide a sample size for the random sample table for statewide candidates to allow for up to 20,000 signatures to be submitted; provide additional language in the petition circulator's oath on the statewide initiative, referendum, and initiated constitutional amendment petitions to include that the circulator is not attesting to any signature obtained by another person and that the circulator is a resident of South Dakota; amend the affidavit of completed ballot petition to include new language the petition sponsor needs to provide on each circulator; add a new column to the recapitulation sheet to provide for ballot counts for those counties using the new ExpressVote ballot marking device; and clarify the instructions absentee voters receive to inform them they need to pay the postage to return their absentee ballot and that the ballot must be received by the person in charge of the election before the polls close; 44 SDR 167, May 14, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, June 4, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held July 9, August 20, September 17, and November 13.

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>.