

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., May 22, 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 Public Safety: (May 15, 2017) intends to amend rules to adopt the 2015 edition of the National School Transportation Specifications and Procedures, adopt the 2017 Commercial Vehicle Safety Alliance's "North American Standard Out-of-Service Criteria", revise the requirements for motorcycle safety education courses, remove the requirement of providing a social security number when transferring a compliant out of state driver's license to South Dakota, and updating the federal adoption to match statute. The general authority for these rules, as cited by the department, is SDCL §§ 32-12-3.2, 32-20-14, 13-29-2, 13-29-6, and 49-28A-2.

A public hearing will be held at the Capitol Lake Visitors Center, 650 E. Capitol Ave., Pierre, South Dakota, on June 20, 2017, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Public Safety, Sutherland Building, 118 West Capitol Ave., Pierre, SD 57501. Material sent by mail must reach the Department of Public Safety by July 5, 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) 773-3178 at least 48 hours before the hearing.

Department of Health: Division of Health Systems Development and Regulation:

(May 15, 2017) intends to amend rules to allow for the regulation of the emergency medical responder and revise rules to reflect current standards for emergency medical technicians. The general authority for these rules, as cited by the department, is SDCL §§ 34-11-5, 34-11-6, 34-11-6.1, and 34-11-6.4.

A public hearing will be held at the Hayes Building, Robert Hayes Conference Room 107, 600 E. Capitol, Pierre, South Dakota, on June 6, 2017, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Health, 600 E. Capitol Ave., Pierre, SD 57501. Copies of the proposed rules may also be obtained at the Health Department website at <http://doh.sd.gov/News> or <http://rules.sd.gov>. Material sent by mail must reach the department by June 16, 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) 773-3361 at least 48 hours before the hearing.

Secretary of State: Board of Elections:

(May 17, 2017) intends to amend rules to specify a 30 day deadline date for a voter to return the invalid/incomplete voter registration acknowledgment notice; change the name of a "Secondary Election" to "Runoff Election;" add judicial office to be listed in the notice of deadline for filing nominating petitions for the primary election; add to the general election ballot "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note;" add to the primary and general

election ballot formats to include notations for front and reverse sides, clarifying ballot printing notes, adding an option for county finance officer, and providing the format for State Representative Districts 26 & 28 A and B and new primary and general election ballot formats; amend the tax levy opt-out ballot format to be used by county, municipality or school to provide clarification on the formats; create a new ballot format for capital outlay elections for school districts; create a new ballot format for school sentinel program elections; create a new ballot format to assist county auditors with ballot for tax levy ballots for maintaining repairing, constructing or reconstructing roads and bridges; clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side; amend the rule for the random sample on statewide candidates and statewide ballot measures by replacing the 5% random sample requirement to a sample that is statistically correlative to not less than a 95% level of confidence with a margin of error equal to not more than 3.62%; repeal two petitions for conservation district candidates and amend the third petition to change the candidates for district supervisors to run at large instead of by areas; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under and to simplify the application instructions; and remove language requiring an Uniformed Overseas Citizens Absentee Voter to provide their voting residence on the ballot return envelope. The general authority for these rules, as cited by the board, is SDCL §§ 2-1-16, 12-1-9, 12-4-35, and 12-19-2.

A public hearing will be held at the South Dakota Association of County Officials Building, 211 E. Prospect Ave., Pierre, South Dakota, on June 15, 2017, 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, 500 E. Capitol, Suite 204, Pierre, SD 57501. Written comments must be

received on or before June 15, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

Department of Agriculture: State Fair Division: (May 18, 2017) intends to repeal rules that are duplicative, outdated, and unnecessary applying to the State Fair Park. The general authority for these rules, as cited by the department, is SDCL § 1-21-10.

A public hearing will be held at the Office of Hearing Examiners, 3rd Floor Foss Building, 523 E. Capitol Ave., Pierre, South Dakota, on June 12, 2017, at 1:00 p.m. Copies of the proposed rule may be obtained without charge from the Department of Agriculture, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Written comments can be sent to the Department of Agriculture, 523 E. Capitol Ave., Pierre, SD 57501. All materials must reach the department by June 23, 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) 773-5425 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

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

5-25-2017	<p>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.</p>
6-6-2017	<p>Department of Health: Division of Health Systems Development and Regulation Amend rules to allow for the regulation of the emergency medical responder and revise rules to reflect current standards for emergency medical technicians; 43 SDR 153, May 22, 2017.</p>
6-8-2017	<p>Department of Game, Fish and Parks Amend a Camping Permits and Rules (Park facility use fees) rule to establish facility fees for special events held at the Good Earth State Park visitor center and adjacent grounds; amend Application for License rules to allow the department secretary to authorize a terminally ill person to hunt outside established season dates, require a resident or nonresident deer hunter who possesses an archery, muzzleloader, youth or mentor deer license to obtain a free access permit to hunt in the newly created East River deer Limited Access Unit 13L, and allow licenses to be issued to nonresident hunters in Unit WRD-58D for the West River prairie deer season; amend a License Forms and Fees (Custer State Park Trophy and Non-Trophy Bison Licenses) rule to adjust the license fees for a Custer State Park trophy bull bison license from \$5,000 to \$6,500 and for a Custer State Park non-trophy bull bison license from \$2,250 to \$3,250; amend a Waterfowl Hunting Season (Nonresident Waterfowl Licenses) rule to reduce the total number of temporary nonresident waterfowl licenses from 2,000 to 1,750, move Brown County from Unit NRW-00Y (northeast SD) to Unit NRW-00X (central/northcentral SD), reduce the total number of nonresident waterfowl licenses in Unit NRW-00X from 1,500 to 1,000 licenses with 500 having a valid start date of December 1 until the end of the waterfowl season, establish a new unit with 250 nonresident waterfowl licenses that includes all of the state except counties in Units NRW-00A, NRW-11A, NRW-00X, and NRW-00Y, and make all temporary nonresident waterfowl licenses valid on private land only except those in Unit NRW-00Y; amend a Black Hills Deer Hunting Season rule to adjust the number of licenses; amend West River Deer Hunting Season rules to adjust the number of licenses, discontinue the split seasons for Gregory and Mellette counties and align with the regular West River deer season, and change the season date for Unit 24B (Little Moreau); amend East River Deer Hunting Season rules to adjust the number of licenses, create a new Limited Access Unit (Unit 13L) that would be restricted to Corp of Engineers property, all Game Production Areas, and the Elm Creek Lakeside Use Area</p>

	<p>immediately adjacent to the Missouri River, all in Brule County, and the Pease Game Production Area in southwest Buffalo County, modify Unit 13A to include all of Brule County excluding that portion located with Unit 13L, and modify Unit 14A to include all of Buffalo County excluding the Pease Game Production Area located within Unit 13L; amend Archery Deer Hunting Season rules to close units 17A, 25A, 41A, 50A, and 58A and open units 44A and 62A, all in Unit ARD-LM1, and extend the season closing date for archery deer hunting in Sand Lake National Wildlife Refuge from December 31 to January 15; amend a National Wildlife Refuge Deer Hunting Season rule to adjust the number of licenses for LaCreek National Wildlife Refuge and Waubay National Wildlife Refuge and restrict all licenses within Waubay National Wildlife Refuge to muzzleloading rifles; amend a Custer State Park Deer Hunting Season rule to adjust the number of one-tag licenses, modify the season dates from 14 consecutive days beginning on the first Saturday of November to November 1-December 15 with hunting only by bow and arrow allowed from November 1-15 and hunting only by muzzleloader from December 1-15; amend a General Muzzleloading Deer Hunting Season rule to close units 17A, 25A, 41A, 50A, and 58A, and open units 44A and 62A, all in Unit MZD-LM1; and amend Custer State Park Non-Trophy Bison Harvest rules to change the season dates from 47 days beginning the second Monday in January to 47 days beginning the last Monday in October and reduce the number of cow licenses from five to zero; and amend a Trapping Prohibitions rule to clarify that both traps and snares are prohibited within 30 feet of exposed bait; 43 SDR 149, May 15, 2017.</p>
6-8-2017	<p>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.</p>
6-12-2017	<p>Department of Agriculture: State Fair Division Repeal rules that are duplicative, outdated, and unnecessary applying to the State Fair Park; 43 SDR 154, May 22, 2017.</p>
6-15-2017	<p>Secretary of State: Board of Elections Amend rules to specify a 30 day deadline date for a voter to return the invalid/incomplete voter registration acknowledgment notice; change the name of a "Secondary Election" to "Runoff Election;" add judicial office to be listed in the notice of deadline for filing nominating petitions for the primary election; add to the general election ballot "Legislative Research Council's Prison/Jail Population Cost Estimate and/or Fiscal Note;" add to the primary and general election ballot formats to include notations for front and reverse sides, clarifying ballot printing notes, adding an option for county finance officer, and providing the format for State Representative Districts 26 & 28 A and B and new primary and general election ballot formats; amend the tax levy opt-out ballot format to be used by county, municipality or school to provide clarification on the formats; create a new ballot format for capital outlay elections for school districts; create a new ballot format for school sentinel program elections; create a new ballot format to assist county auditors with ballot for tax levy ballots for maintaining repairing, constructing or reconstructing roads and bridges; clarify that a petition sheet must be printed on a self-contained sheet of paper printed front and reverse side; amend the rule for the random sample on statewide candidates and statewide ballot measures by replacing the 5% random sample requirement to a sample that is statistically correlative to not less than a 95% level of confidence with a margin of error equal to not more than 3.62%; repeal two petitions for conservation district candidates and amend the third</p>

	petition to change the candidates for district supervisors to run at large instead of by areas; amend the application for absentee voting to clarify what category of Uniformed Overseas Citizens Absentee Voter the applicant falls under and to simplify the application instructions; and remove language requiring an Uniformed Overseas Citizens Absentee Voter to provide their voting residence on the ballot return envelope; 43 SDR 153, May 22, 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.
6-20-2017	Department of Public Safety Amend rules to adopt the 2015 edition of the National School Transportation Specifications and Procedures, adopt the 2017 Commercial Vehicle Safety Alliance's "North American Standard Out-of-Service Criteria", revise the requirements for motorcycle safety education courses, remove the requirement of providing a social security number when transferring a compliant out of state driver's license to South Dakota, and updating the federal adoption to match statute; 43 SDR 153, May 22, 2017.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, June 5, 2017, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. The other DDN site will be: Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145. 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>.

