

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., June 18, 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.)

Department of Public Safety: (June 15, 2018) intends to amend rules to adopt the 2018 edition of the Commercial Vehicle Safety Alliance handbook; establish requirements for certified nonprofit bus inspectors; revise the harvesting season and radius for hours of service exemption; establish driver license suspension periods for points accumulation; revise the documents required to obtain a driver's license; update references to federal adoptions; and create a declaratory petition process. The general authority for these rules, as cited by the department, is SDCL §§ 1-26-15, 32-12-3.2, 32-12-49, 49-28A-2, and 2018 SL Ch 194, Pg 357.

A public hearing will be held in the Conference Room, 2nd floor of the Sutherland Building, 118 West Capitol Avenue, Pierre, South Dakota, on July 19, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Public Safety, 118 W. Capitol Avenue, Pierre, SD 57501. Materials sent by mail or email must reach the Department by August 2, 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) 773-3178 at least 48 hours before the public hearing.

Department of Game, Fish and Parks:

(June 15, 2018) intends to amend rules to prohibit people from bringing firewood that has been in an emerald ash borer quarantined area or out of South Dakota into state parks unless it has a label certifying it has been treated for emerald ash borer; eliminate no boating zones on East Oakwood Lake, the Windgate Arm portion of Waubay Lake, Silver Lake, Crow Lake, Whitewood Lake Waterfowl Refuge, and the portions of Island Lake north of McCook County Road 6 and north of Minnehaha County Road 110; eliminate a no boating zone and restrict the type of boats and motors used on Putney Slough Game Production Area, Long Lake, Mckilligan Lake, Horseshoe Lake, Spirit Lake, Lehrman Game Production Area, Clear Lake, and Cottonwood Lake Waterfowl Refuge; restrict the type of boats and motors used on Swan Lake; eliminate the no motorized zone on the meandered portion of Milwaukee Lake; change Bear Butte Lake from a "no motor over 25 horse power" to a "no wake zone"; eliminate the East Oakwood Lake State Waterfowl Refuge, Sand Lake State Game Bird Refuge, and Whitewood Lake State Waterfowl Refuge; modify the size of the Waubay State Game Refuge; exclude from the refuge the area owned by Game, Fish and Parks on the southern portion of Cottonwood Lake; eliminate a number of archery restrictions; eliminate language regarding hunting elk with a certain mechanical broadhead or a bow or a certain fixed blade broadhead or a bow; eliminate Sand Lake National Wildlife Refuge from Unit 2 and create a new unit, Unit 3, to include Sand Lake National Wildlife Refuge and establish hunting seasons; reduce one-tag turkey resident licenses for the Black Hills from 400 to

200, the one-tag any turkey resident license from 1,230 to 925, and the two-tag resident license from 50 to 0; eliminate Lawrence, Meade, and Pennington Counties from Unit PFT-BH1; close units PFT-08A, PFT-12A, PFT-13A, PFT-37A, PFT 53A, and PFT 62A; expand unit PFT-48A to include all of Roberts County; create a new unit PFT-39A in Jackson County; and change fish harvest regulations for Reetz Lake in Day County. The general authority for these rules, as cited by the department, is SDCL §§ 32-3A-1, 41-2-18, 41-11-5, and 41-15-10.1.

A public hearing will be held at the Ramkota Hotel and Convention Center, 920 West Sioux Avenue, Pierre, South Dakota, on July 11, 2018, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. The proposed rules may also be viewed at <https://rules.sd.gov/>. Comments may be submitted at <http://gfp.sd.gov/forms/positions>. Materials sent by mail or email must reach the Department at least 72 hours prior to the hearing to be considered. All written and email comments must include the name, hometown, and state of the person submitting them. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER MANAGEMENT: 74:56:01:01, 74:56:01:02, 74:56:01:03, 74:56:01:05, 74:56:01:06, 74:56:01:08, 74:56:01:10, 74:56:01:10.01, 74:56:01:10.02, 74:56:01:10.03, 74:56:01:11, 74:56:01:13, 74:56:01:14, 74:56:01:17, 74:56:01:18, 74:56:01:21, 74:56:01:23.01, 74:56:01:23.02,

74:56:01:24, 74:56:01:25, 74:56:01:26, 74:56:01:27, 74:56:01:28, 74:56:01:34, 74:56:01:38, 74:56:01:38.01, 74:56:01:52, 74:56:01:53, 74:56:01:54, 74:56:01:55, 74:56:01:57; 74:56:02.

History-Notice: 44 SDR 147, April 9, 2018
 Hearing: May 2, 2018
 Filed: June 8, 2018
 Effective: June 28, 2018

DEPARTMENT OF EDUCATION: SOUTH DAKOTA BOARD OF EDUCATION STANDARDS: 24:43:02:05; 24:55:01:01; 24:55:02:06, 24:55:02:09.04, 24:55:02:09.05, 24:55:02:12, 24:55:02:15; 24:55:03:08; 24:55:04:04, 24:55:04:09; 24:55:07:02, 24:55:07:11.

History-Notice: 44 SDR 149, April 16, 2018
 Hearing: May 8, 2018
 Filed: June 11, 2018
 Effective: July 2, 2018

DEPARTMENT OF GAME, FISH AND PARKS: 141:03:01:37.

History-Notice: 44 SDR 180, June 4, 2018
 Hearing: Emergency rule
 Filed: June 11, 2018
 Effective: June 11, 2018

DEPARTMENT OF SOCIAL SERVICES: 67:16:48:01, 67:16:48:02, 67:16:48:03, 67:16:48:04, 67:16:48:05, 67:16:48:07, 67:16:48:08, 67:16:48:09, 67:16:48:10, 67:16:48:12, 67:16:48:14.

History-Notice: 44 SDR 157, April 23, 2018
 Hearing: May 14, 2018
 Filed: June 11, 2018
 Effective: July 2, 2018

Executive Order:

The Governor has signed **Executive Order 2018-06** dated June 14, 2018. Due to the impact of the severe storms and flooding of May 2018

in North Central South Dakota, this order authorizes the use of technical resources available to state government to support county governments to restore normal travel conditions and emergency services in the affected area. Executive orders may be viewed in their entirety at <https://sdsos.gov/general-information/executive-actions/executive-orders/>

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.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the

REMINDER OF HEARINGS SCHEDULED

<p>6-18-2018</p>	<p>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.</p>
<p>6-18-2018</p>	<p>Department of Labor and Regulation: Division of Insurance: Amend rules to update the sources referenced in rule, and update the definition of “health organization” to include “hospital”; 44 SDR 179, June 4, 2018.</p>
<p>6-25-2018</p>	<p>Department of Labor and Regulation: SD Cosmetology Commission: Amend rules to eliminate two-tier instructor licensing; allow for substitute instructors; reduce cosmetology and apprentice education hours; set minimum curriculum hours; clarify school reporting requirements; change the instructor to student ratio; allow students to take their licensure State Board exams prior to finishing their education so that they can immediately join the work force upon completion of their education; and eliminate salon licensure requirements for certain assisted living facilities; 44 SDR 179, June 4, 2018.</p>
<p>6-28-2018</p>	<p>Department of Health: Board of Nursing: Amend rules to add certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), certified nurse practitioners (CNP), and certified nurse midwives (CNM) to the definition of school; raise the biennial renewal fees for RNs, LPNs, CRNAs, and CNSs from \$70 to \$95; update the rules for the approval of nursing education programs and add requirements for approval of</p>

	advanced practice nursing programs; repeal outdated rules regarding the Nurse Licensure Compact; and update the rules for nurse practitioners and nurse midwives; 44 SDR 171, May 21, 2018.
7-11-2018	Department of Game, Fish and Parks: Amend rules to prohibit people from bringing firewood that has been in an emerald ash borer quarantined area or out of South Dakota into state parks unless it has a label certifying it has been treated for emerald ash borer; eliminate no boating zones on East Oakwood Lake, the Windgate Arm portion of Waubay Lake, Silver Lake, Crow Lake, Whitewood Lake Waterfowl Refuge, and the portions of Island Lake north of McCook County Road 6 and north of Minnehaha County Road 110; eliminate a no boating zone and restrict the type of boats and motors used on Putney Slough Game Production Area, Long Lake, Mckilligan Lake, Horseshoe Lake, Spirit Lake, Lehrman Game Production Area, Clear Lake, and Cottonwood Lake Waterfowl Refuge; restrict the type of boats and motors used on Swan Lake; eliminate the no motorized zone on the meandered portion of Milwaukee Lake; change Bear Butte Lake from a "no motor over 25 horse power" to a "no wake zone"; eliminate the East Oakwood Lake State Waterfowl Refuge, Sand Lake State Game Bird Refuge, and Whitewood Lake State Waterfowl Refuge; modify the size of the Waubay State Game Refuge; exclude from the refuge the area owned by Game, Fish and Parks on the southern portion of Cottonwood Lake; eliminate a number of archery restrictions; eliminate language regarding hunting elk with a certain mechanical broadhead or a bow or a certain fixed blade broadhead or a bow; eliminate Sand Lake National Wildlife Refuge from Unit 2 and create a new unit, Unit 3, to include Sand Lake National Wildlife Refuge and establish hunting seasons; reduce one-tag turkey resident licenses for the Black Hills from 400 to 200, the one-tag any turkey resident license from 1,230 to 925, and the two-tag resident license from 50 to 0; eliminate Lawrence, Meade, and Pennington Counties from Unit PFT-BH1; close units PFT-08A, PFT-12A, PFT-13A, PFT-37A, PFT 53A, and PFT 62A; expand unit PFT-48A to include all of Roberts County; create a new unit PFT-39A in Jackson County; and change fish harvest regulations for Reetz Lake in Day County; 44 SDR 191, June 18, 2018.
7-16-2018	Department of Education: South Dakota Board of Education Standards: Repeal certain rules regarding postsecondary technical education to permit the Board of Technical Education to assume authority over the postsecondary technical institutes; amend rules to allow educators an additional year to complete the required coursework for CTE educator certification; create a new educator certification endorsement for the Government and Public Administration Career Cluster; and amend high school graduation requirements for South Dakota schools; 44 SDR 183, June 11, 2018.
7-19-2018	Department of Public Safety: Amend rules to adopt the 2018 edition of the Commercial Vehicle Safety Alliance handbook; establish requirements for certified nonprofit bus inspectors; revise the harvesting season and radius for hours of service exemption; establish driver license suspension periods for points accumulation; revise the documents required to obtain a driver's license; update references to federal adoptions; and create a declaratory petition process; 44 SDR 191, June 18, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, July 9, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held 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>.

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