

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., July 27, 2015

NOTICE OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Governor's Office of Economic Development: Board of Economic Development: (July 22, 2015) intends to amend rules to clarify that tribal governments are eligible to apply for the economic development partnership fund and the local infrastructure improvement grant fund. The general authority for these rules, as cited by the office, is SDCL §§ 1-16G-8, 1-16G-54, and 1-16G-55.

A public hearing will be held in the Large Conference Room at the Governor's Office of Economic Development, Dolly Reed Plaza, 711 E. Wells Ave., Pierre, South Dakota, on August 11, 2015, at 9:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Governor's Office of Economic Development, Dolly Reed Plaza, 711 E. Wells Ave., Pierre, South Dakota 57501. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the public hearing. Material sent by mail must reach the Governor's Office of Economic Development by August 10, 2015, 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) 773-3301 at least 48 hours before the public hearing.

Department of Environment and Natural Resources: Board of Minerals and Environment: (July 23, 2015) intends to amend Air Pollution Control Program rules to adopt

revisions to federal regulations, clarify existing regulations, and streamline the existing air quality permitting process for specific types of operations. The general authority for these rules, as cited by the board, is SDCL §§ 34A-1-6, 34A-1-12, 34A-1-15, 34A-1-18, 34A-1-19, and 34A-1-21.

A public hearing will be held at the Mineral Palace Gem Theater room, 601 Historic Main Street, Deadwood, South Dakota on August 20, 2015, at 9:15 a.m. MT. Copies of the proposed rules may be obtained from and written comments sent to Teresa Williams, Department of Environment and Natural Resources, 523 East Capitol Avenue, Joe Foss Building, Pierre, South Dakota 57501 or by calling (605) 773-3151. Material sent by mail must reach the Department by close of business on August 18, 2015, 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) 773-3151 at least 48 hours before the public hearing.

Department of Transportation: (July 24, 2015) is proposing to adopt rules to provide guidance to local public agencies for submission of a county highway and bridge improvement plan and set forth the application process, timelines, guidelines and criteria that will be used to award and distribute funds from the newly created Bridge Improvement Grant fund. The general authority for these rules, as cited by the department, is SDCL §§ 1-44-7.5, 32-11-34, and 32-11-39.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East

Broadway Avenue, Pierre, South Dakota, on August 27, 2015, at 9:30 a.m. CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Copies of the proposed rules may also be obtained at the South Dakota Administrative Rules website at <https://rules.sd.gov/> or by calling the department at (605) 773-6050. Material sent by mail must reach the department by August 26, 2015, 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).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF AGRICULTURE:
DIVISION OF AG DEVELOPMENT: SD
VAULE ADDED FINANCE AUTHORITY:**
12:22:02:01 and 12:22:02:04.

History-Notice: 41 SDR 105, Dec. 15, 2014
Hearing: May 28, 2015
Filed: July 20, 2015
Effective: August 10, 2015

**DEPARTMENT OF EDUCATION: STATE
HISTORICAL SOCIETY:** 24:52:05:01 and
24:52:05:02.

History-Notice: 41 SDR 137, March 2, 2015
Hearing: May 28, 2015
Filed: July 20, 2015
Effective: August 10, 2015

**DEPARTMENT OF HEALTH: DIVISION
OF HEALTH AND MEDICAL SERVICES:**
44:19:01:01, 44:19:01:04; and 44:19:02:05.

History-Notice: 41 SDR 179, May 4, 2015
Hearing: June 1, 2015

Filed: July 20, 2015
Effective: August 10, 2015

DEPARTMENT OF TRANSPORTATION:
70:01:02:56.

History-Notice: 41 SDR 213, June 8, 2015
Hearing: June 25, 2015
Filed: July 20, 2015
Effective: August 10, 2015

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES: BOARD OF
WATER AND NATURAL RESOURCES:**
74:05:05:16.

History-Notice: 41 SDR 207, June 1, 2015
Hearing: June 25, 2015
Filed: July 21, 2015
Effective: August 10, 2015

**DEPARTMENT OF GAME, FISH AND
PARKS:** 41:04:05:18; 41:06:01:17;
41:06:02:03; 41:06:16:11; 41:06:19:02;
41:06:20:01, 41:06:20:01.01, 41:06:20:02;
41:06:21:02; 41:06:22:01.01, 41:06:22:02;
41:06:36:02, 41:06:36:02.02; and 41:09:12:02.

History-Notice: 41 SDR 193, May 18, 2015
Hearing: June 5, 2015
Filed: July 21, 2015
Effective: August 10, 2015

**DEPARTMENT OF GAME, FISH AND
PARKS:** 41:06:07:10; 41:06:14:02,
41:06:14:02.01; 41:06:16:07; 41:06:23:02, and
41:06:23:03.

History-Notice: 41 SDR 217, June 15, 2015
Hearing: July 1, 2015
Filed: July 21, 2015
Effective: August 10, 2015

**DEPARTMENT OF LABOR AND
REGULATION: DIVISION OF
UNEMPLOYMENT INSURANCE:**
47:06:02:11.01.

History-Notice: 41 SDR 201, May 26, 2015
Hearing: June 23, 2015
Filed: July 22, 2015
Effective: August 11, 2015

SECRETARY OF STATE: BOARD OF ELECTIONS: 5:02:04:21; 5:02:05:02.01; 5:02:06:01; 5:02:08:11, 5:02:08:13, 5:02:08:23; 5:02:09:02.03; and 5:02:19:05.

History-Notice: 41 SDR 193, May 18, 2015
Hearing: June 4, 2015
Filed: July 22, 2015
Effective: August 11, 2015

Executive Appointments:

Sean Lyons, Yankton, was appointed on July 14, 2015, to the **State Electrical Commission**, to replace Jesse Smith, effective immediately and shall continue until April 15, 2018.

Laura Diddle, Brookings, was appointed on July 17, 2015, to the **State Arts Council**, to replace James Johnson, effective immediately and shall continue until June 30, 2018.

Scott Erstad, Badger, was reappointed on July 17, 2015, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2018.

Kristie K. Feigen, Sioux Falls, was reappointed on July 17, 2015, to the **Court Appointed Special Advocates Commission**, effective immediately and shall continue until June 30, 2018.

Kristin P. Gohn, Huron, was reappointed on July 17, 2015, to the **Board of Examiners for Speech-Language Pathology**, effective July 31, 2015, and shall continue until July 30, 2018.

James Hansen, Pierre, was reappointed on July 17, 2015, to the **State Capitol Complex Restoration and Beautification Commission**,

effective immediately and shall continue until June 30, 2019.

Karen F. Jeffries, Dupree, was reappointed on July 17, 2015, to the **Court Appointed Special Advocates Commission**, effective immediately and shall continue until June 30, 2018.

Jean M. Morris, Pierre, was reappointed on July 17, 2015, to the **Civil Service Commission**, effective immediately and shall continue until June 30, 2018.

Daniel C. Mosteller, Pierre, was reappointed on July 17, 2015, to the **Civil Service Commission**, effective immediately and shall continue until June 30, 2018.

Julie Ranum, Watertown, was reappointed on July 17, 2015, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2019.

Brittany D. Schmidt, Renner, was reappointed on July 17, 2015, to the **Board of Examiners for Speech-Language Pathology**, effective July 31, 2015, and shall continue until July 30, 2018.

Carmen Schramm, Yankton, was reappointed on July 17, 2015, to the **Board of Tourism**, effective immediately and shall continue until June 30, 2019.

Donald Scott, Sioux Falls, was appointed on July 17, 2015, to the **South Dakota Health and Educational Facilities Authority**, to replace Mack Wyly, effective immediately and shall continue until June 30, 2018.

James Scull, Rapid City, was appointed on July 17, 2015, to the **South Dakota Health and Educational Facilities Authority**, to replace Alan Dempster, effective immediately and shall continue until June 30, 2018.

Robert A. Sittig, Baltic, was reappointed on July 17, 2015, to the **Critical Teaching Needs**

Scholarship Board, effective immediately and shall continue until June 30, 2020.

Gary Ulmer, Menno, was reappointed on July 17, 2015, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until June 30, 2018.

Executive Order:

The Governor has signed **Executive Order 2015-10**, dated July 22, 2015. Under the authority of SDCL Chapter 34-48A, Emergency Management, the Order declares a disaster to exist due to damage from a series of severe storms, flooding, and tornadoes that occurred June 17 through June 24, 2015, in Brule, Buffalo, Fall River, Haakon, Hughes, Jackson, Jerauld, Jones, Lyman, McCook, Oglala Lakota,

and Stanley counties and on the following reservations, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, and the portion of Oglala Sioux Tribe that lies within Oglala Lakota County, for three months from the date of this order.

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

7-30-2015	Agriculture: Division of Ag Development Adopt rules to establish a Water Drainage Mediation program; 42 SDR 1, July 6, 2015.
7-30-2015	Revenue: South Dakota Lottery Commission Amend a rule to allow a change to the Powerball game matrix and include the 10X multiplier for Power Play in certain defined instances; 42 SDR 1, July 6, 2015.
7-31-2015	Public Safety Amend rules to increase the amount of time allowed to appeal an administrative driver license action, to repeal unnecessary driver license rules, update commercial driver license language to conform to federal standards and 2015 legislation, update the prorated fees for licenses or identification cards issued to those under 21, and update the adoption of Commercial Vehicle Safety Alliance standards; 42 SDR 2, July 6, 2015.
8-6-2015	Game, Fish and Parks Amend Waterfowl Hunting Seasons rules to decrease the daily bag limit for scaup from 3 to 2 contingent upon approval by the U.S. Fish and Wildlife Service; increase the number of hunting days for white-fronted geese from 72 to 86 consecutive days contingent upon approval by the U.S. Fish and Wildlife Service, and remove the bald eagle (<i>Haliaeetus leucocephalus</i>) from the list of state threatened birds; 42 SDR 5, July 13, 2015.
8-11-2015	Governor's Office of Economic Development: Board of Economic Development Amend rules to clarify that tribal governments are eligible to apply for the economic development partnership fund and the local infrastructure improvement grant fund; 42 SDR 13, July 27, 2015.
8-20-2015	Department of Environment and Natural Resources: Board of Minerals and Environment Amend Air Pollution Control Program rules to adopt revisions to federal regulations, clarify existing regulations, and streamline the existing air quality permitting process for

	specific types of operations; 42 SDR 13, July 27, 2015.
7-27-2015 8-26-2015	Health: Division of Health Systems Development and Regulation Amend rules to update and create separate Articles for each health care provider currently regulated in Article 44:04, to allow facilities the ability to consider inclusion of operators of X ray equipment to meet federal provisions of electronic health records, and designate geographic areas for the redistribution of nursing facility beds; 42 SDR 2, July 6, 2015.
8-27-2015	Department of Transportation Adopt rules to provide guidance to local public agencies for submission of a county highway and bridge improvement plan and set forth the application process, timelines, guidelines and criteria that will be used to award and distribute funds from the newly created Bridge Improvement Grant fund; 42 SDR 13, July 27, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, August 17, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: September 21, November 9, and December 14.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 42 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the LRC website: <http://legis.sd.gov>. You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.
