

REGISTER



South Dakota Legislative Research Council

Volume 44

Tuesday, 8:00 a.m., September 5, 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.)

Office of the Secretary of State:

(August 28, 2017) intends to adopt rules to update notary public application and change forms. The general authority for these rules, as cited by the office, is SDCL § 18-1-1.

A public hearing will be held in Suite 204, 2nd floor, State Capitol, 500 East Capitol, Pierre, South Dakota, on October 10, 2017, at 8:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Secretary of State, Suite 204, State Capitol, 500 East Capitol, Pierre, SD 57501. Material sent by mail must reach the Office of the Secretary of State by October 9, 2017, to be considered. Additional written comments will be received until October 20, 2017. This hearing is being held in a physically accessible place. Persons who have special needs for which the Office of the Secretary of State can make arrangements are asked to call (605) 773-3537 at least 48 hours in advance of the hearing.

Department of Environment and Natural Resources: Water Management Board:

(August 30, 2017) intends to adopt rules to update South Dakota's existing surface water discharge and concentrated animal feeding operation permitting rules by incorporating the latest federal regulations by reference and

clarifying current rule language. The general authority for these rules, as cited by the board, is SDCL §§ 1-40-38, 34A-2-13, 34A-2-14, 34A-2-15, 34A-2-20, 34A-2-28, 34A-2-30, 34A-2-93, and 34A-2-123.

A public hearing will be held at the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, South Dakota, on October 5, 2017, at 8:45 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Environment and Natural Resources, Surface Water Quality Program, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501. Copies of the proposed rules may also be obtained without charge by calling Tina McFarling at (605) 773-3351 or from the following websites: <http://denr.sd.gov/public> and <https://rules.sd.gov>. Electronic comments and those comments submitted by mail must reach the Department by 5:00 p.m. on October 4, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department of Environment and Natural Resources can make arrangements are asked to call (605) 773-3351 at least 48 hours in advance of the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF AGRICULTURE:

ANIMAL INDUSTRY BOARD: 12:68:03:05, 12:68:03:07; 12:68:13:02, 12:68:13:04, 12:68:13:13, 12:68:13:15, 12:68:13:18, 12:68:13:37; 12:68:18:03.01, 12:68:18:03.03,

12:68:18:07; 12:68:19:09; 12:68:26:01,
12:68:26:02, 12:68:26:04, and 12:68:26:05.

History-Notice: 43 SDR 175, June 19, 2017
Hearing: July 11, 2017
Filed: August 28, 2017
Effective: September 18, 2017

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

9-6-2017	Department of Revenue: South Dakota Commission on Gaming Amend and adopt rules to add outriders to the officials for a race meeting; set forth the duties of outrider officials; clarify workouts necessary for the eligibility of a horse; eliminate the requirement that deposits of money for multi-jurisdictional totalizator hubs be located in banks in South Dakota; adopt a new variation of the game of blackjack called TriLux Bonus Blackjack with Super 3; allow an option to play the game of Texas Hold'em twice; adopt a new variation of the game of poker called Cover All Bonus; and adopt a new variation of the game of craps called Sharp Shooter; 44 SDR 35, August 21, 2017.
9-6-2017	Department of Health: South Dakota Board of Nursing Amend rules to include a definition of registrant; add the requirements for the operation of the unlicensed assistive personnel registry by defining the application process for registration, the renewal and reactivation requirements, and the process for denial or removal from the registry; and amend the process for disciplinary action for licensed nurses and registrants; 44 SDR 35, August 21, 2017.
9-7-2017	Department of Game, Fish and Parks Amend rules to create a "no boating zone" on the waters of Swan Lake in Clark County from October 20 to December 31, inclusive; and establish a process whereby an owner of private property underlying any nonmeandered lake listed in SDCL 41-23-8 may petition the Game, Fish and Parks Commission to allow the owner of private property to restrict recreational use of the water overlying the owner's private property; 44 SDR 31, August 14, 2017.
9-7-2017	Department of Labor and Regulation: South Dakota Real Estate Commission Adopt rules to update the disciplinary process for licensees to increase efficiency and decrease the time it takes to resolve complaints; 44 SDR 35, August 21, 2017.
9-14-2017	Department of Health: South Dakota Board of Medical and Osteopathic Examiners Adopt rules to clarify the timeframe for those individuals renewing their license through the interstate medical licensure compact; establish the 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; 44 SDR 36, August 21, 2017.
9-18-2017	Department of Education: South Dakota Board of Education Adopt rules to set forth the public school accountability system, performance goals, school classifications, and school support process as required by South Dakota law and the Every Student Succeeds Act of 2015; 44 SDR 41, August 28, 2017.

10-5-2017	Department of Environment and Natural Resources: Water Management Board Adopt rules to update South Dakota's existing surface water discharge and concentrated animal feeding operation permitting rules by incorporating the latest federal regulations by reference and clarifying current rule language; 44 SDR 47, September 5, 2017.
10-10-2017	Office of the Secretary of State Adopt rules to update notary public application and change forms; 44 SDR 47, August 28, 2017.
10-20-2017	Department of Health: South Dakota 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; 44 SDR 21, July 31, 2017.
10-20-2017	Department of Labor and Regulation: South Dakota Athletic Commission Amend rules to clarify provisions of current rules including general definitions; safety requirements for events; responsibilities of event promoters; requirements for contestants in mixed martial arts contests; penalties for mixed martial artists who fail to make weight for a contracted bout; options for correcting a score entered in error; officials required to be in attendance at an event; the role of a cut man at an event; the authority of a ringside physician during a bout; allowable wraps for a mixed martial artist during a bout; requirements for a ring used for a contest; the process by which a contestant can request a review of a bout; and the adoption of unified rules of mixed martial arts; 44 SDR 31, August 14, 2017.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on September 25, 2017, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the last meeting for the 2017 interim for 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>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Information from the Register is available free of charge on the LRC website: www.sdlegislature.gov/. You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.