

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., November 16, 2015

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: DIVISION OF HEALTH AND MEDICAL SERVICES:

44:20:01:03, 44:20:01:04, 44:20:01:06; and 44:20:03:01.

History-Notice: 42 SDR 43, Sept. 14, 2015
Hearing: October 7, 2015
Filed: November 9, 2015
Effective: November 30, 2015

DEPARTMENT OF REVENUE: SD COMMISSION ON GAMING: 20:18:01:01; 20:18:15:01.01; 20:18:16:02, and 20:18:16:15.20.

History-Notice: 42 SDR 31, August 24, 2015
Hearing: September 24, 2015
Filed: November 9, 2015
Effective: November 30, 2015

DEPARTMENT OF TRANSPORTATION: 70:01:02:36.

History-Notice: 42 SDR 35, August 31, 2015
Hearing: October 1, 2015
Filed: November 9, 2015
Effective: November 30, 2015

OFFICE OF THE STATE AUDITOR: 3:05:08:03.

History-Notice: 42 SDR 39, Sept. 8, 2015
Hearing: October 13, 2015
Filed: November 9, 2015
Effective: November 30, 2015

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:15:03:05.

History-Notice: 42 SDR 39, Sept. 8, 2015
Hearing: September 21, 2015
Filed: November 13, 2015
Effective: December 3, 2015

Executive Appointments:

Paul Christen, Huron, was reappointed on October 30, 2015, to the **State Banking Commission**, effective immediately and shall continue until October 30, 2018.

Sheldon E. Cotton, Volga, was reappointed on October 30, 2015, to the **South Dakota State Railroad Board**, effective immediately and shall continue until October 30, 2018.

Gary Doering, Cavour, was reappointed on October 30, 2015, to the **South Dakota State Railroad Board**, effective immediately and shall continue until October 30, 2018.

Mark Gross, Sioux Falls, was reappointed on October 30, 2015, to the **Board of Directors of the Value Added Finance Authority**, effective immediately and shall continue until October 30, 2018.

Marcia Hendrickson, Chancellor, was reappointed on October 30, 2015, to the **Board of Directors of the Value Added Finance Authority**, effective immediately and shall continue until October 30, 2018.

Todd W. Herrboldt, Harrisburg, was reappointed on October 30, 2015, to the **Board of Social Work Examiners**, effective

immediately and shall continue until October 30, 2018.

Robert Hull, Sisseton, was reappointed on October 30, 2015, to the **Board of Directors of the Value Added Finance Authority**, effective immediately and shall continue until October 30, 2018.

Eric J. Iversen, White River, was reappointed on October 30, 2015, to the **Animal Industry Board**, effective immediately and shall continue until October 30, 2018.

Ann Noyes, Pierre, was appointed on October 30, 2015, to the **South Dakota Professional Teachers Practices and Standards Commission**, to replace Dr. Michael Amolins, effective immediately and shall continue until December 31, 2015.

Douglas K. Ode, Brandon, was reappointed on October 30, 2015, to the **American Dairy Association of South Dakota**, effective immediately and shall continue until October 30, 2018.

Eric J. Odenbach, Eureka, was reappointed on October 30, 2015, to the **South Dakota Aeronautics Commission**, effective immediately and shall continue until October 30, 2018.

Linda Peitz, Yankton, was reappointed on October 30, 2015, to the **Board of Addiction and Prevention Professionals**, effective immediately and shall continue until October 30, 2018.

David S. Pummel, Belle Fourche, was reappointed on October 30, 2015, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until October 30, 2018.

Karen S. Wiemers, Chamberlain, was reappointed on October 30, 2015, to the **Board of Examiners of Psychologist**, effective

immediately and shall continue until October 30, 2018.

William A. Aeschlimann, Hurley, was reappointed on November 9, 2015, to the **Animal Industry Board**, effective immediately and shall continue until October 30, 2018.

Charles K. Jepson, Fort Pierre, was reappointed on November 9, 2015, to the **Board of Directors of the Value Added Finance Authority**, effective immediately and shall continue until October 30, 2018.

Jody Kuper, Milbank, was reappointed on November 9, 2015, to the **American Dairy Association of South Dakota**, effective immediately and shall continue until October 30, 2017.

Wayne Steinhauer, District 9, was appointed on November 12, 2015, to the South Dakota House, to fill the vacancy created by the resignation of Representative Steve Hickey, effective immediately.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Administrative Rules:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Bureau of Human Resources: (November 9, 2015) intends to amend State Employee Benefits rules to change the appeal process for an adverse determination or claims denial; eliminate preexisting conditions from eligibility in the state employee health benefit plan; and provide an application deadline for employees who were not previously eligible to apply for state employee health benefits and life benefit without showing proof of insurability. The general authority for these rules, as cited by the bureau, is SDCL § 3-6E-13.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre South Dakota, on November 30, 2015, at 10:30 a.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Bureau of Human Resources, Room 110, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by December 9, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-3148 at least 48 hours before the hearing.

Department of Transportation: (November 13, 2015) is proposing to amend Speed Limits rules on State Highway 253 through the town of Hosmer in Edmunds County beginning 9 miles North of the junction with U.S. Highway 12, the limit is 45 mph west for 0.24 mile, then 25 mph for 0.68 mile through the town of Hosmer, then 45 mph for an additional 0.2 mile west; amend a rule in Lake County on State Trunk Highway 34 in the city of Madison by reducing the maximum speed from 50 mph to 30 mph from its intersection with Washington Avenue then East for 0.17 mile, and then from 65 mph to 55 mph an additional 1.05 miles west; and a rule in Moody County on State Trunk Highway 32 (Pipestone Avenue) in the city of Flandreau, to increase from 35 mph to 45 mph step down speed zones entering and exiting Flandreau in order to provide consistent 20 mph increments

on State Trunk Highway 32 through Flandreau. The general authority for these rules, as cited by the department, is SDCL § 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on December 18, 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. Material sent by mail must reach the department by December 17, 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).

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

11-20-2015	Department of Environment and Natural Resources Amend Fluoridation of Water Supplies rules to reduce the required fluoride level and cleanup outdated language; and amend Bottled Water Quality rules to adopt pertinent US FDA rules for bottled water quality; 42 SDR 62, October 19, 2015.
11-20-2015	Department of Labor and Regulation: Division of Unemployment Insurance Amend rules to allow domestic employers the option of paying state unemployment contributions (UC) annually instead of paying quarterly; 42 SDR 62, October 19, 2015.
11-20-2015	Department of Social Services: Board of Examiners for Counselors and Marriage and Family Therapists Amend rules to repeal unnecessary rules, implement a fee to process license verifications and duplicate renewal cards, increase license and renewal license fees for marriage and

	family therapists, align language to be consistent with statutory language, clarify supervisor and exam requirements, and update the Code of Ethics to the most recent version; 42 SDR 65, October 26, 2015.
11-20-2015	Department of Social Services: Division of Child Protection Services Amend Regulatory Administration rules to implement the reasonable and prudent parent standard to support normalcy for children in alternative care; 42 SDR 66, October 26, 2015.
11-23-2015	Department of Health: Division of Health Systems Development and Regulation Amend rules to allow additional participants in the Rural Healthcare Facility Recruitment Assistance Program, update references regarding treatment protocols for the State Trauma Care System, and streamline the trauma transport plan process; 42 SDR 69, November 2, 2015.
11-23-2015	Department of Labor and Regulation: South Dakota Athletic Commission Amend rules to increase the number of days required between approval of an event and the date of the event, clarify existing rules regarding the requirements of promoters to provide certain equipment at an event, increase the minimum fee for an approved event, clarify existing rules regarding accepted medical documentation for contestants, clarify the requirements for meeting certain promoter requirements in advance of an event, increase the number of days allowed for final reports and fees to be submitted by the promoter, require a security plan to be provided by a promoter prior to an event, increase the number of rounds a referee may officiate in one contest, increase the time period allowed for weigh-ins prior to an event, and clarify responsibilities of the Commission's designee; 42 SDR 57, October 13, 2015.
11-23-2015	Department of Revenue: Division of Property and Special Taxes Amend rules to update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property; 42 SDR 69, November 2, 2015.
11-30-2015	Bureau of Human Resources Amend State Employee Benefits rules to change the appeal process for an adverse determination or claims denial; eliminate preexisting conditions from eligibility in the state employee health benefit plan; and provide an application deadline for employees who were not previously eligible to apply for state employee health benefits and life benefit without showing proof of insurability; 42 SDR 78, November 16, 2015.
12-1-2015	Department of Revenue: South Dakota Lottery Commission Amend a rule to allow the Powerball game to institute a jackpot management plan; 42 SDR 69, November 2, 2015.
12-3-2015	Department of Health: Board of Medical and Osteopathic Examiners Adopt rules to provide criteria for training a first responder in the use of opioid antagonists, provide the requirements for physicians who issue standing orders authorizing first responders to possess opioid antagonists, and provide the requirements for protocols and procedures related to opioid antagonists; 42 SDR 73, November 9, 2015.
12-9-2015	Department of Environment and Natural Resources: Water Management Board Amend Surface Water Quality rules by deleting the fecal coliform criteria from immersion recreation and limited contact recreation waters (this change will leave intact the United States Environmental Protection Agency's (USEPA) recommended <i>Escherichia coli</i> criteria) and add the USEPA's nonylphenol aquatic life criteria; 42 SDR 65, October 26, 2015.

12-9-2015	Department of Environment and Natural Resources: Water Management Board Amend a Fences Crossing Navigable Streams rule to allow fences to be constructed without a gate across Firesteel Creek in Davison County; 42 SDR 73, November 9, 2016.
12-11-2015	Office of Attorney General Amend a rule to provide a juvenile cited violation ticket for use by law enforcement pursuant to SDCL § 26-7A-126; 42 SDR 73, November 9, 2015.
12-18-2015	Transportation Amend Speed Limits rules on State Highway 253 through the town of Hosmer in Edmunds County beginning 9 miles North of the junction with U.S. Highway 12, the limit is 45 mph west for 0.24 mile, then 25 mph for 0.68 mile through the town of Hosmer, then 45 mph for an additional 0.2 mile west; amend a rule in Lake County on State Trunk Highway 34 in the city of Madison by reducing the maximum speed from 50 mph to 30 mph from its intersection with Washington Avenue then East for 0.17 mile, and then from 65 mph to 55 mph an additional 1.05 miles west; and a rule in Moody County on State Trunk Highway 32 (Pipestone Avenue) in the city of Flandreau, to increase from 35 mph to 45 mph step down speed zones entering and exiting Flandreau in order to provide consistent 20 mph increments on State Trunk Highway 32 through Flandreau; 42 SDR 79; November 16, 2015.

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held on Monday, December 14, 2015, in Room 414, Fourth Floor of the State Capitol.

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>.

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