

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., November 20, 2017

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

DECLARATORY RULING:

The **South Dakota Board of Examiners for Counselors and Marriage and Family Therapists** has filed with the Legislative Research Council, the Declaratory Ruling Regarding SDCL 36-32-42 (2). In this ruling, the Board determined that a counseling program is an equivalent program as the term is used in SDCL 36-32-42 (2)(a) through (f) when subsequent to completing the counseling program, an applicant supplements courses needed to meet the law's equivalency requirements by completing additional courses at an accredited university or college offering them as part of a counseling program accredited by the Counsel for Accreditation of Counseling and Related Education Programs. The Declaratory Ruling is dated October 27, 2017.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND

PARKS: 41:03:03:06; 41:03:04:01, 41:03:04:03, 41:03:04:13; 41:04:06:05, 41:04:06:05.01, 41:04:06:05.02, 41:04:06:05.03; 41:06:04:21; 41:06:47:01; 41:06:56:03; 41:07:03:03; 41:08:06:02; 41:10:02:01, 41:10:02:05, and 41:10:02:06.

History-Notice: 44 SDR 75, October 16, 2017
Hearing: November 2, 2017
Filed: November 14, 2017
Effective: December 4, 2017

DEPARTMENT OF HEALTH: DIVISION OF HEALTH SYSTEMS DEVELOPMENT AND REGULATION:

44:05:01:01;
44:05:02:01, 44:05:02:01.01, 44:05:02:15, 44:05:02:16, 44:05:02:17, 44:05:02:18, 44:05:02:19, 44:05:02:20, 44:05:02:21; 44:05:03:01, 44:05:03:02, 44:05:03:02.01, 44:05:03:02.02, 44:05:03:02.03, 44:05:03:03, 44:05:03:05; 44:05:04:04, 44:05:04:05, 44:05:04:06, 44:05:04:07, 44:05:04:08, 44:05:04:09, 44:05:04:10, 44:05:04:11, 44:05:04:11.01, 44:05:04:12, 44:05:04:12.01, 44:05:04:13, 44:05:04:14, 44:05:04:15, 44:05:04:15.01, 44:05:04:18, 44:05:04:19, 44:05:04:20; 44:05:05:09, 44:05:05:11, 44:05:05:12, 44:05:05:14, and 44:05:05:20.

History-Notice: 44 SDR 59, Sept. 25, 2017
Hearing: October 25, 2017
Filed: November 14, 2017
Effective: December 4, 2017

DEPARTMENT OF HUMAN SERVICES: DIVISION OF DEVELOPMENTAL

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History-Notice: 44 SDR 69, October 10, 2017
Hearing: October 27, 2017
Filed: November 14, 2017
Effective: December 4, 2017

**DEPARTMENT OF SOCIAL SERVICES:
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ASSISTANCE, CHILD SUPPORT,
CHILD PROTECTION,
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67:16:02:03.03, 67:16:02:04, 67:16:02:05.01,
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67:46:04:13; 67:46:05:15; 67:46:07:03,
67:46:07:12; 67:46:09:04; and 67:46:11:10.

History-Notice: 44 SDR 64, October 2, 2017
Hearing: October 23, 2017
Filed: November 14, 2017
Effective: December 4, 2017

**OFFICE OF THE SECRETARY OF
STATE: BOARD OF ELECTIONS:**

5:02:03:14, 5:02:03:18, 5:02:03:26, 5:02:03:27;
5:02:04:13, 5:02:04:17, 5:02:04:18, 5:02:04:19;
5:02:06:01, 5:02:06:10, 5:02:06:17, 5:02:06:20,
5:02:06:26, 5:02:06:27, 5:02:06:28;
5:02:08:00.01, 5:02:08:00.02, 5:02:08:07.01,
5:02:08:07.02, 5:02:08:36, 5:02:08:37,
5:02:08:38; 5:02:09:04.04; 5:02:10:01,
5:02:10:01.02, 5:02:10:08; and 5:02:19:05.

History-Notice: 44 SDR 70, October 10, 2017
Hearing: October 30, 2017
Filed: November 14, 2017
Effective: December 4, 2017

**DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES:
DIVISION OF ENVIRONMENTAL
SERVICES:** 74:37:01:03.01, 74:37:01:04,

74:37:01:05, 74:37:01:07, 74:37:01:07.01, and 74:37:01:07.02.

History-Notice: 44 SDR 51, Sept. 11, 2017
 Hearing: October 18, 2017
 Filed: November 15, 2017
 Effective: December 5, 2017

DEPARTMENT OF TRANSPORTATION:

70:01:02:01, 70:01:02:02, 70:01:02:03, 70:01:02:09, 70:01:02:11, 70:01:02:15, 70:01:02:19, 70:01:02:22, 70:01:02:23, 70:01:02:27, 70:01:02:42, 70:01:02:48, 70:01:02:53, 70:01:02:61, and 70:01:02:65.

History-Notice: 44 SDR 64, October 2, 2017
 Hearing: October 26, 2017
 Filed: November 15, 2017
 Effective: December 5, 2017

DEPARTMENT OF EDUCATION: SOUTH DAKOTA BOARD OF EDUCATION:

24:55:01:01, 24:55:01:02, 24:55:01:04, 24:55:01:05; 24:55:02:01, 24:55:02:03, 24:55:02:05 to 24:55:02:09.05, inclusive, 24:55:02:11, 24:55:02:12, 24:55:02:15, 24:55:02:16, Appendices A, B, C, D, E, F, G, N, and O; 24:55:03:01 to 24:55:03:05, inclusive, 24:55:03:07, 24:55:03:07.01, 24:55:03:08; 24:55:04:01, 24:55:04:02, 24:55:04:03, 24:55:04:04, 24:55:04:06 to 24:55:04:10, inclusive; 24:55:05:01 to 24:55:05:09, inclusive, Appendices A, B, C, and D; 24:55:06:01, 24:55:06:02, 24:55:06:04; 24:55:07:02, 24:55:07:03, 24:55:07:04, 24:55:07:06, 24:55:07:11, 24:55:07:13, 24:55:07:14, 24:55:07:15, 24:55:07:16; 24:55:08:01, 24:55:08:04, 24:55:08:05; and 24:55:10:01.

History-Notice: 44 SDR 41, August 28, 2017
 Hearing: September 18, 2017
 Filed: November 16, 2017
 Effective: December 6, 2017

DEPARTMENT OF HEALTH: SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS:

20:47:03:13; 20:66:03:01, 20:66:03:02,

20:66:03:03, 20:66:03:04; and 20:78:04:04.01.

History-Notice: 44 SDR 36, August 21, 2017
 Hearing: September 14, 2017
 Filed: November 17, 2017
 Effective: December 7, 2017

Executive Appointments:

Margaret E. Johnson, Sioux Falls, was reappointed on November 1, 2017, to the **Board of Massage Therapy**, effective immediately and shall continue until October 30, 2020.

Larry Nelson, Canton, was appointed on November 1, 2017, to the **Transportation Commission**, to replace Tim Dougherty, effective immediately and shall continue until April 18, 2018.

Tony Farmen, Pierre, was appointed on November 1, 2017, to the **State Board of Funeral Service**, to replace Dennis Eisnach, effective immediately and shall continue until October 30, 2018.

Bruce Yakley, Mitchell, was appointed on November 1, 2017, to the **Corrections Commission**, to replace Timothy Bottum, effective immediately.

Steven Scharnweber, Pierre, was appointed on November 8, 2017, to the **South Dakota Railroad Board**, to replace Todd Yeaton, effective immediately and shall continue until October 30, 2020.

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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

11-20-2017	No hearings scheduled.
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RULES REVIEW COMMITTEE MEETING

The Interim Rules Review Committee has completed their meeting schedule for the 2017 interim. Watch for notices of 2018 meetings in this publication, on the LRC website, and at the Capitol.

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>.