

# REGISTER



## South Dakota Legislative Research Council

Volume 43

Tuesday, 8:00 a.m., February 21, 2017

### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

#### Notice of Proposed Administrative Rules:

(The date in parentheses is the date the rules were filed in the Legislative Research Council.)

#### **Department of Health: Board of Medical and Osteopathic Examiners:** (February 13, 2017)

intends to amend rules to update outdated language related to examinations, licensing and continuing education. The general authority for these rules, as cited by the board, is SDCL §§ 36-29-14 and 36-29-17.

A public hearing will be held at the First Dakota National Bank Building, 101 N. Main Ave., Room 215, Sioux Falls, South Dakota, on March 9, 2017, at 9:30 a.m. and via the Dakota Digital Network (DDN) at the following locations: CAP A, 500 E. Capitol, Pierre, SD and the Rapid City Dept. of Transportation (DOT), 2300 Eglin St., Rapid City, SD. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 101 N. Main Ave., Suite 301, Sioux Falls, SD 57104 or by email to [SDBMOE@state.sd.us](mailto:SDBMOE@state.sd.us). The text of the proposed rules is available on the following websites: [www.sdbmoe.gov](http://www.sdbmoe.gov), and [www.rules.sd.gov](http://www.rules.sd.gov). Written comments must be received by March 6, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 367-7781 at least 48 hours before the hearing.

### FILINGS IN THE SECRETARY OF STATE'S OFFICE:

#### Executive Appointments:

**Chuck Frieberg**, Pierre, was appointed on February 14, 2017, to the **Behavioral Health Advisory Council**, to replace Nancy Allard, effective immediately.

**Dianna Marshall**, Rapid City, was appointed on February 14, 2017, to the **Behavioral Health Advisory Council**, to replace Tim Neyhart, effective immediately.

**Belinda Nelson**, Huron, was appointed on February 14, 2017, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2018.

**Emily Williams**, Aberdeen, was appointed on February 14, 2017, to the **Behavioral Health Advisory Council**, to replace Vickie Claymore, effective immediately.

**Tiffany Wolfgang**, Sioux Falls, was appointed on February 14, 2017, to the **Behavioral Health Advisory Council**, to replace Amy Iverson-Pollreisz, effective immediately.

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

<p><b>3-2-2017</b></p>	<p><b>Department of Game, Fish, and Parks</b> Amend Public Water Zoning rules to add a "public swimming zone" on Lake Madison in Lake County, modify the size and configuration of the "public swimming zone" on Lake Alvin in Lincoln County, amend and clarify the public water safety zone regulations for Sheridan Lake in Pennington County, and add a "no motors zone" on Lewis and Clark Lake in Yankton County; amend Motorboats and Watercraft rules to clarify the definition of "careless boat operation" and adopt a rule to prohibit a boat operator from eluding law enforcement; amend a Duck Hunting Season rule to decrease the daily bag limit for pintail; amend a Goose Hunting Season rule to increase the number of days for the light goose hunting season from 86 days to 105 days as allowed by the U.S. Fish and Wildlife Service; amend a Tundra Swan Hunting Season rule to set the number of licenses available; amend Aquatic Invasive Species rules to allow businesses approved by the department to transport and possess boats with aquatic invasive species attached for the purpose of decontamination, allow participants in a local boater registry to transport and possess aquatic invasive species in accordance with the provisions of the registry, allow participants in a local boater registry to launch a boat with an aquatic invasive species attached if it is done in accordance with the provisions of the registry, adopt a rule to define and identify specific waters that will be classified as "containment waters," create a local boater registry, require the decontamination of boats with at least one gallon of water from a lake, river or stream remaining in the watercraft, that cannot be drained after all drain plugs, bailers, valves, or other devices used to control the drainage of water have been opened or removed, after use in a "containment water," and require decontamination of boats that have been moored in a "containment water" for three or more continuous days; 43 SDR 111, February 13, 2017.</p>
<p><b>3-9-2017</b></p>	<p><b>Department of Health: Board of Medical and Osteopathic Examiners</b> Amend rules to update outdated language related to examinations, licensing and continuing education; 43 SDR 115, February 21, 2017.</p>
<p><b>3-16-2017</b></p>	<p><b>Department of Education: SD School Finance and Accountability Board</b> Adopt rules to establish an appeals process and a set of factors that will be used to determine if a school district be recommended for a waiver from their accountabilities in regards to teacher compensation as outlined in SDCL 13-13-73.6; 43 SDR 109, February 6, 2017.</p>
<p><b>4-10-2017</b></p>	<p><b>Department of Health: Board of Massage Therapy</b> Amend rules relating to applications, temporary permits and inactive licenses, clarify the educational requirements for licensure or a temporary permit, increase the fees for an initial license, renewed license, inactive license and temporary permit, clarify the time period of a continuing education cycle and a licensee's continuing education requirements and recordkeeping requirements, repeal unnecessary rules regarding the board's complaint process, clarify the malpractice insurance requirements of a licensee or temporary permit holder and recordkeeping requirements, clarify the requirements for requesting an inactive license, and updating the list of facilities recognized by the board to provide the education necessary to meet the requirements for licensure; 43 SDR 109, February 6, 2017.</p>

**RULES REVIEW COMMITTEE MEETINGS**

The Interim Rules Review Committee will have an informal meeting near the close of the Ninety-second Legislative Session to set the tentative meeting schedule for the 2017 interim. Watch for a notice of this informal meeting 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>.

