

# REGISTER



## South Dakota Legislative Research Council

Volume 46

Monday, 8:00 a.m., July 8, 2019

**GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE**

at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

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

**Notice of Proposed Rules:** (The date in parentheses indicates when the rules were filed with the Legislative Research Council.)

**Division of Insurance (Department of Labor and Regulation):** (July 2, 2019) intends to amend rules to remove a reference to the National Association of Securities Dealers (NASD) and insert a reference to the Financial Industry Regulatory Authority (FINRA); update the sources referenced in rule; and fix outdated statutory references to SDCL 58-17-4.3. The general authority for these rules, as cited by the commission, is SDCL 58-3-11, 58-3-26, 58-4-48, 58-6-75, 58-17-4.2, 58-17-87, 58-18B-18, 58-18B-36, 58-26-13.1, 58-26-45.1, 58-26-46, 58-27-7, 58-27-108, and 58-28-31.

A public hearing will be held in the Oahe Conference Room, 124 South Euclid Avenue, 1<sup>st</sup> Floor, Pierre, South Dakota, on July 23, 2019, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Division of Insurance, Administrative Rules, 124 S. Euclid Avenue, 2<sup>nd</sup> Floor, Pierre, South Dakota 57501. The comment period will close on August 2, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the division can make

arrangements may call (605) 773-3563 at least 48 hours before the public hearing.

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

**Executive Appointments:**

**Vernon Brown**, Sioux Falls, was reappointed on June 25, 2019, to the **South Dakota 911 Coordination Board**, effective July 1, 2019, and continuing until June 30, 2022.

**Kristie Eisenbraun**, Sioux Falls, was reappointed on June 25, 2019, to the **South Dakota Advisory Panel for Children with Disabilities**, effective July 1, 2019, and continuing until June 30, 2022.

**Eric Gaikowski**, Sioux Falls, was appointed on June 25, 2019, to the **South Dakota Advisory Council on Aging**, to replace Sarah Jennings, effective June 17, 2019, and continuing until June 30, 2022.

**J.D. Geigle**, Spearfish, was reappointed on June 25, 2019, to the **South Dakota Public Safety Communications Council**, effective July 1, 2019, and continuing until June 30, 2022.

**David Gienapp**, Madison, was appointed on June 25, 2019, to the **Government Accountability Board**, effective July 1, 2019, and continuing until June 30, 2024.

**Michelle L. Glodt**, Pierre, was reappointed on June 25, 2019, to the **Commission on Equal Access to Our Courts**, effective July 1, 2019, and continuing until June 30, 2022.

**James Hansen**, Pierre, was reappointed on June 25, 2019, to the **State Capitol Complex Restoration and Beautification Commission**, effective July 1, 2019, and continuing until June 30, 2023.

**Lee McPeek**, Watertown, was reappointed on June 25, 2019, to the **South Dakota 911 Coordination Board**, effective July 1, 2019, and continuing until June 30, 2022.

**Timothy Rave**, Baltic, was reappointed on June 25, 2019, to the **South Dakota Public Safety Communications Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Lee Roripaugh**, Vermillion, was appointed on June 25, 2019, to the **State Arts Council**, to replace Mary Haug, effective July 1, 2019, and continuing until June 30, 2022.

**Ted G. Ruffedt, Jr.**, Rapid City, was reappointed on June 25, 2019, to the **South Dakota 911 Coordination Board**, effective July 1, 2019, and continuing until June 30, 2022.

**Kelly D. Serr**, Bison, was reappointed on June 25, 2019, to the **South Dakota 911 Coordination Board**, effective July 1, 2019, and continuing until June 30, 2022.

**Harold Timmerman**, Canton, was reappointed on June 25, 2019, to the **South Dakota Public Safety Communications Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Verle Valentine**, Sioux Falls, was reappointed on June 25, 2019, to the **South Dakota Athletic Commission**, effective July 1, 2019, and continuing until June 30, 2022.

**Valorie Ahrendt**, Hot Springs, was reappointed on June 26, 2019, to the **Family Support Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Julie Ashworth**, Sioux Falls, was reappointed on June 26, 2019, to the **South Dakota Board of Directors for Educational Telecommunications**, effective July 1, 2019, and continuing until June 30, 2022.

**Andrew K. Barth**, Rapid City, was reappointed on June 26, 2019, to the **South Dakota Public Safety Communications Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Paul Beran**, Pierre, was reappointed on June 26, 2019, to the **Western Interstate Commission for Higher Education**, effective July 1, 2019, and continuing until June 30, 2023.

**Robert Blechinger**, Sioux Falls, was appointed on June 26, 2019, to the **Planning Council on Developmental Disabilities**, to replace David Colling, effective July 1, 2019, and continuing until June 30, 2022.

**Sarah Carlson**, Canton, was reappointed on June 26, 2019, to the **Family Support Council**, effective July 1, 2019, and continuing until June 30, 2022.

**James Carpenter**, Pierre, was reappointed on June 26, 2019, to the **Civil Service Commission**, effective July 1, 2019, and continuing until June 30, 2023.

**Toni Feist**, St. Onge, was appointed on June 26, 2019, to the **Planning Council on Developmental Disabilities**, to replace Angel Maggard, effective June 17, 2019, and continuing until June 30, 2022.

**Rebecca Jensen**, Wagner, was appointed on June 26, 2019, to the **Planning Council on Developmental Disabilities**, to replace Rebecca Naser, effective June 17, 2019, and continuing until June 30, 2020.

**Jason Jones**, Pierre, was reappointed on June 26, 2019, to the **South Dakota Public Safety Communications Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Kevin Karley**, Rapid City, was reappointed on June 26, 2019, to the **South Dakota Public Safety Communications Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Tania Kostal**, Tyndall, was reappointed on June 26, 2019, to the **Planning Council on Developmental Disabilities**, effective July 1, 2019, and continuing until June 30, 2022.

**Eric Kurtz**, Sioux Falls, was appointed on June 26, 2019, to the **Planning Council on Developmental Disabilities**, to replace Wendy Parent-Johnson, effective June 17, 2019.

**Jean M. Morris**, Pierre, was reappointed on June 26, 2019, to the **Civil Service Commission**, effective July 1, 2019, and continuing until June 30, 2023.

**Jennifer Olson**, Sioux Falls, was appointed on June 26, 2019, to the **Planning Council on Developmental Disabilities**, to replace Barb Peschl, effective June 17, 2019, and continuing until June 30, 2021.

**Larry Tidemann**, Brookings, was appointed on June 26, 2019, to the **Western Interstate Commission for Higher Education**, to replace Robert Burns, effective July 1, 2019, and continuing until June 30, 2023.

**Sara Valle**, Pierre, was appointed on June 26, 2019, to the **Planning Council on Developmental Disabilities**, to replace Roger Bowie, effective July 1, 2019, and continuing until June 30, 2022.

**Timothy Bjork**, Rapid City, was reappointed on June 28, 2019 to the **Water Management Board**, effective July 1, 2019, and continuing until June 30, 2023.

**Peter Bullene**, Watertown, was reappointed on June 28, 2019 to the **Board of Vocational Rehabilitation**, effective July 1, 2019, and continuing until June 30, 2022.

**Bruce Cull**, Yankton, was appointed on June 28, 2019, to the **Transportation Commission**, to replace Ralph Marquardt, effective June 28, 2019, and continuing until April 18, 2023.

**Carla Gatzke**, Brookings, was reappointed on June 28, 2019, to the **South Dakota Workforce Development Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Jane C. Heinemeyer**, Wentworth, was reappointed on June 28, 2019, to the **Board of Examiners for Speech-Language Pathology**, effective July 31, 2019, and continuing until July 30, 2022.

**Kathryn Johnson**, Hill City, was reappointed on June 28, 2019, to the **Board of Water and Natural Resources**, effective July 1, 2019, and continuing until June 30, 2023.

**Benjamin F. Jones**, Sioux Falls, was reappointed on June 28, 2019, to the **Critical Teaching Needs Scholarship Board**, effective July 1, 2019, and continuing until June 30, 2024.

**David A. Kennedy**, Spearfish, was reappointed on June 28, 2019, to the **South Dakota Snowmobile Advisory Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Cheri Knispel**, Rapid City, was reappointed on June 28, 2019, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2019, and continuing until June 30, 2022.

**Jacqueline A. Lanning**, Brookings, was reappointed June 28, 2019, to the **Board of Water and Natural Resources**, effective July 1, 2019, and continuing until June 30, 2023.

**Brooke Lusk**, Pierre, was appointed on June 28, 2019, to the **Board of Vocational Rehabilitation**, to replace Patricia Kuglitsch, effective July 1, 2019, and continuing until June 30, 2022.

**Allen L. Nagel**, Aberdeen, was reappointed on June 28, 2019, to the **South Dakota Snowmobile Advisory Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Julie Ranum**, Watertown, was reappointed on June 28, 2019, to the **Board of Tourism**, effective July 1, 2019, and continuing until June 30, 2023.

**Mark Rogers**, Dell Rapids, was reappointed on June 28, 2019, to the **South Dakota Workforce Development Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Beth Schiltz**, Pierre, was reappointed on June 28, 2019, to the **Board of Vocational Rehabilitation**, effective July 1, 2019, and continuing until June 30, 2022.

**Carmen Schramm**, Yankton, was reappointed on June 28, 2019, to the **Board of Tourism**, effective July 1, 2019, and continuing until June 30, 2023.

**Todd Sprang**, Hayti, was appointed on June 28, 2019, to the **South Dakota**

**Snowmobile Advisory Council**, to replace Russell Johnson, effective July 1, 2019, and continuing until June 30, 2022.

**Keri Wientjes**, Mobridge, was reappointed on June 28, 2019, to the **South Dakota Workforce Development Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Dave Bonde**, Fort Pierre, was reappointed on July 1, 2019 to the **South Dakota Workforce Development Council**, effective July 1, 2019, and continuing until June 30, 2022.

**Karlton Adam**, Pierre, was appointed on July 2, 2019, to the **Board of Water and Natural Resources**, to replace Bradley Johnson, effective July 1, 2019, and continuing until June 30, 2023.

**Cindy L. Fisher**, Kyle, was reappointed on July 2, 2019, to the **South Dakota Interagency Coordinating Council**, effective June 17, 2019, and continuing until December 31, 2021.

**Marcie Lorensberg**, Aberdeen, was reappointed on July 2, 2019, to the **Planning Council on Developmental Disabilities**, effective July 1, 2019, and continuing until June 30, 2022.

**Nichole Nelson**, Aberdeen, was appointed on July 2, 2019, to the **Board of Service to the Blind and Visually Impaired**, to replace Patrick Czerny, effective July 1, 2019, and continuing until June 30, 2022.

**Valentine Rausch**, Big Stone City, was appointed on July 2, 2019, to the **Board of Tourism**, to replace Steve Westra, effective June 29, 2019, and continuing until June 30, 2022.

**Cindy Taber**, Chamberlain, was reappointed on July 2, 2019, to the **Planning Council on Developmental Disabilities**, effective July 1, 2019, and continuing until June 30, 2022.

**NOTE REGARDING ADOPTED 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**

<p><b>7-8-2019</b></p>	<p><b>Department of Game, Fish and Parks:</b> Amend rules to move the start date for hunting on Sand Lake National Wildlife Refuge in Brown County to an earlier date; decrease the overall number of West River one-tag antelope licenses and increase the total number of two-tag licenses; decrease the total amount of East River one-tag antelope licenses; add Todd County to Unit PRA-50A; remove Hyde County from Unit PRA-36A; create Unit PRA-38A to include Buffalo, Hand, and Hyde Counties; align the open units of the archery antelope hunting season with those units in the firearm antelope hunting season; and exclude centerfire rifles and muzzleloaders on the Oacoma Game Production Area and other immediate adjacent public land in Lyman County; 45 SDR 162, June 24, 2019.</p>
<p><b>7-10-2019</b></p>	<p><b>State Brand Board (Department of Agriculture):</b> Amend rules to increase brand program fees; set a brand application fee; and set the fee for brand inspections requested outside the brand inspection area, not to exceed \$1.00/head; 45 SDR 158, June 17, 2019.</p>
<p><b>7-18-2019</b></p>	<p><b>Board of Minerals and Environment (Department of Environment and Natural Resources):</b> Amend rules to increase regulatory flexibility and clarity of rules applicable to hazardous waste generators; establish a methodology for the use of electronic manifests; establish procedures for managing and disposing of defective airbag inflators; provide healthcare facilities and pharmacies with management and disposal options for hazardous waste pharmaceuticals; revise requirements involving imports and exports of hazardous wastes; and incorporate corrections made in federal regulations; 45 SDR 144, May 20, 2019.</p>
<p><b>7-23-2019</b></p>	<p><b>Division of Insurance (Department of Labor and Regulation):</b> Amend rules to remove a reference to the National Association of Securities Dealers (NASD) and insert a reference to the Financial Industry Regulatory Authority (FINRA); update the sources referenced in rule; and fix outdated statutory references to SDCL 58-17-4.3; 46 SDR 5, July 8, 2019.</p>
<p><b>8-1-2019</b></p>	<p><b>South Dakota State Plumbing Commission (Department of Labor and Regulation):</b> Amend rules to update codified law references, processes for issuing declaratory rulings and renewing expired licenses, and the Uniform Plumbing Code; 46 SDR 1, July 1, 2019.</p>

## **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee for the 2019 interim is Monday, July 8, 2019, at 10:00 a.m. CT in Room 414 of the Capitol. Other meetings scheduled for the 2019 interim will be held August 12, September 9, and November 4.

Watch for notices of 2019 Rules Review Committee meetings in this publication, on the LRC website (<https://sdlegislature.gov/>) and at the Capitol.

**Note:** The Administrative Rules Guide to Form and Style is available on the LRC website at <https://www.sdlegislature.gov/Rules/RulesManual.aspx>.