

# REGISTER



## South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., August 10, 2015

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**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Labor and Regulation: Division of Insurance:** (August 6, 2015) intends to adopt rules to update the South Dakota Division of Insurance's contact information, incorporate the 2015 Medicare coverage amounts, and update the sources referenced. The general authority for these rules, as cited by the department, is SDCL §§ 58-3-11, 58-3-26, 58-4-1, 58-4-48, 58-4A-13, 58-6-75, 58-12-14, 58-14-17, 58-17-87, 58-17-124, 58-17A-2, 58-17B-4, 58-17H-49, 58-17I-16, 58-18-79, 58-26-13.1, 58-26-46, 58-27-7, and 58-27-108.

A public hearing will be held in the West River Conference Room, 124 South Euclid Avenue, 2<sup>nd</sup> Floor, Pierre, South Dakota, on August 28, 2015, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2<sup>nd</sup> Floor, Pierre, South Dakota 57501. The text of the proposed rules will be posted on the department's website: [http://dlr.sd.gov/insurance/legal/public\\_hearings.aspx](http://dlr.sd.gov/insurance/legal/public_hearings.aspx). The rules may also be obtained as a Microsoft Word attachment by emailing [mallori.barnett@state.sd.us](mailto:mallori.barnett@state.sd.us). 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) 773-3563 at least 48 hours before the hearing.

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

### Executive Appointments:

**Lee Anderson**, Mitchell, was reappointed on July 30, 2015, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2018.

**Larry Ayers**, Brookings, was appointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, to replace Michelle Greseth, effective immediately and shall continue until June 30, 2018.

**Thomas S. Bohnet**, Yankton, was reappointed on July 30, 2015, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2018.

**Sarah A. Carda**, Yankton, was reappointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2018.

**Craig A. Dockter**, Mobridge, was reappointed on July 30, 2015, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until June 30, 2018.

**Brent Dykstra**, Ft. Pierre, was reappointed on July 30, 2015, to the **Housing Development Authority**, effective immediately and shall continue until June 30, 2020.

**Traci L. Glanzman**, Pierre, was reappointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2018.

**Catherine Greseth**, Custer, was appointed on July 30, 2015, to the **Board of Service to the Blind and Visually Impaired**, to replace Karla Bucknall, effective immediately and shall continue until June 30, 2018.

**Marilyn Grossenburg**, Winner, was reappointed on July 30, 2015, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2019.

**Stacy Habers**, Sioux Falls, was appointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, to replace Roger Bowie, effective immediately and shall continue until June 30, 2018.

**Arlene Ham-Burr**, Rapid City, was reappointed on July 30, 2015, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2019.

**Marcia Hultman**, Pierre, was appointed on July 30, 2015, to the **Board of Service to the Blind and Visually Impaired**, to replace Bill Molseed, effective immediately.

**Marie Ivers**, Brookings, was appointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, to replace Lisa Heckenlaible, effective immediately and shall continue until June 30, 2018.

**Kim Malsam-Rysdon**, Pierre, was appointed on July 30, 2015, to the **Planning Council on Developmental Disabilities**, to replace Doneen Hollingsworth, effective immediately.

**Penelope S. McCormick-Gilles**, Mount Vernon, was reappointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2018.

**Kay Miller**, Mitchell, was appointed on July 30, 2015, to the **Board of Service to the Blind and Visually Impaired**, to replace Marilyn Steffen, effective immediately and shall continue until June 30, 2018.

**Peggy G. Miller**, Brookings, was reappointed on July 30, 2015, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2019.

**Scott Peterson**, Belle Fourche, was appointed on July 30, 2015, to the **South Dakota Workforce Development Council**, to replace Dave Mertens, effective immediately and shall continue until June 30, 2018.

**Eric M. Rippentrop**, Sioux Falls, was reappointed on July 30, 2015, to the **Board of Service to the Blind and Visually Impaired**, effective immediately and shall continue until June 30, 2018.

**Dr. Mike Rush**, Pierre, was appointed on July 30, 2015, to the **South Dakota Workforce Development Council**, to replace Dr. Jack Warner, effective immediately.

**Aaron Scheibe**, Pierre, was appointed on July 30, 2015, to the **South Dakota Workforce Development Council**, to replace Marty Davis, effective immediately.

**Betsy Schwenk**, Harrisburg, was appointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, to replace Karolyn Bauman, effective immediately and shall continue until June 30, 2018.

**Annelies Seffrood**, Summit, was appointed on July 30, 2015, to the **American Dairy Association of South Dakota**, to replace Randy Schweer, effective immediately and shall continue until October 30, 2016.

**Shelly J. Shaw**, Mission, was reappointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, effective immediately and shall continue until June 30, 2018.

**Koni Sims**, Sioux Falls, was appointed on July 30, 2015, to the **Board of Service to the Blind and Visually Impaired**, to replace Linda K. Biffert, effective immediately and shall continue until June 30, 2018.

**Nancy Van Camp**, Ft. Pierre, was reappointed on July 30, 2015, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until June 30, 2018.

**Dr. Laura A. Aeschlimann**, Parker, was reappointed on August 3, 2015, to the **Family Support Council**, effective immediately and shall continue until June 30, 2018.

**Katherine C. Erdman-Becker**, Crooks, was appointed on August 3, 2015, to the **Planning Council on Developmental Disabilities**, to replace Monica Burgess, effective immediately and shall continue until June 30, 2018.

**Debra A. Graff**, Sioux Falls, was reappointed on August 3, 2015, to the **Family Support Council**, effective immediately and shall continue until June 30, 2018.

**Reed A. Haug**, Rapid City, was appointed on August 3, 2015, to the **Planning Council on Developmental Disabilities**, to replace Janice Knutsen, effective immediately and shall continue until June 30, 2018.

**Lori Larson**, Rapid City, was reappointed on August 3, 2015, to the **Family Support**

**Council**, effective immediately and shall continue until June 30, 2018.

**Keven K. Moulton**, Rapid City, was reappointed on August 3, 2015, to the **Family Support Council**, effective immediately and shall continue until June 30, 2018.

**Connie Schmitz**, Bonesteel, was appointed on August 3, 2015, to the **Planning Council on Developmental Disabilities**, to replace Dawn Hahn, effective immediately and shall continue until June 30, 2018.

**Lynne Valenti**, Pierre, was appointed on August 3, 2015, to the **Planning Council on Developmental Disabilities**, to replace Kim Malsam-Rysdon, effective immediately.

**Peggy R. Waltner**, Freeman, was reappointed on August 3, 2015, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until June 30, 2018.

**Kevin L. Waterman**, Sioux Falls, was reappointed on August 3, 2015, to the **Family Support Council**, effective immediately and shall continue until June 30, 2018.

#### **Corrections Filed:**

**Peter C. Bullene**, Watertown, was reappointed on July 9, 2015, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, ~~2018~~ 2019.

**Linda K. Hilde**, Madison, was reappointed on July 9, 2015, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, ~~2018~~ 2019.

**Katherine Jaeger**, Dakota Dunes, was appointed on January 5, 2015, to the **Behavioral Health Advisory Council**, to replace Judith Hines, effective immediately and shall continue until ~~April 1, 2016~~ October 30, 2016.

**Jean M. Morris**, Pierre, was reappointed on July 17, 2015, to the **Civil Service Commission**, effective immediately and shall continue until June 30, ~~2018~~ 2019.

**Daniel C. Mosteller**, Pierre, was reappointed on July 17, 2015, to the **Civil Service Commission**, effective immediately and shall continue until June 30, ~~2018~~ 2019.

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**

<b>8-11-2015</b>	<b>Governor's Office of Economic Development: Board of Economic Development</b> Amend rules to clarify that tribal governments are eligible to apply for the economic development partnership fund and the local infrastructure improvement grant fund; 42 SDR 13, July 27, 2015.
<b>8-20-2015</b>	<b>Department of Environment and Natural Resources: Board of Minerals and Environment</b> Amend Air Pollution Control Program rules to adopt revisions to federal regulations, clarify existing regulations, and streamline the existing air quality permitting process for specific types of operations; 42 SDR 13, July 27, 2015.
<del>7-27-2015</del> <b>8-26-2015</b>	<b>Health: Division of Health Systems Development and Regulation</b> Amend rules to update and create separate Articles for each health care provider currently regulated in Article 44:04, to allow facilities the ability to consider inclusion of operators of X ray equipment to meet federal provisions of electronic health records, and designate geographic areas for the redistribution of nursing facility beds; 42 SDR 2, July 6, 2015.
<b>8-27-2015</b>	<b>Department of Transportation</b> Adopt rules to provide guidance to local public agencies for submission of a county highway and bridge improvement plan and set forth the application process, timelines, guidelines and criteria that will be used to award and distribute funds from the newly created Bridge Improvement Grant fund; 42 SDR 13, July 27, 2015.
<b>8-28-2015</b>	<b>Department of Labor and Regulation: Division of Insurance</b> Adopt rules to update the South Dakota Division of Insurance's contact information, incorporate the 2015 Medicare coverage amounts, and update the sources referenced; 42 SDR 21, August 10, 2015.

**RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Monday, August 17, 2015, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145; and Spearfish – Black Hills State University, 1200 University Station, Room LIB11. The committee chair has set the following tentative meeting schedule for the 2015 interim: September 21, November 9, and December 14.

**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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