

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., September 11, 2017

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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

Department of Environment and Natural Resources: Division of Environmental Services: (September 7, 2017) intends to amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program. The general authority for these rules, as cited by the agency, is SDCL §§ 34A-1-6, 34A-1-58, and 34A-1-60.

A public hearing will be held in the Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, South Dakota, on October 18, 2017, at 2:00 p.m. CT. Copies of the proposed rules may be obtained without charge by calling Kyrik Rombough at (605) 773-3151 or online from <http://denr.sd.gov/des/aq/aafees.aspx>. Written comments may be sent to the South Dakota Department of Environment and Natural Resources, Air Quality Program, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501-2182. Electronic comments and those comments submitted by mail must reach the Department by the close of business on October 30, 2017, 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) 773-3151 at least 48 hours in advance of the hearing.

Department of Health: South Dakota Board of Examiners in Optometry: (September 8, 2017) intends to adopt rules to clarify the expiration of contact lens and spectacle prescriptions; revise minimum requirements for a comprehensive optometric examination; and allow an optometrist in certain situations to receive credit for live stream continuing education presentations. The general authority for these rules, as cited by the board, is SDCL § 36-7-15.

A public hearing will be held at Tieszen Law Office, Prof. LLC, 306 East Capitol, Suite 300, Pierre, South Dakota, on October 20, 2017, at 6:30 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Examiners in Optometry, P.O. Box 6, Langford, SD 57454. A copy of the proposed rules is also available at <http://rules.sd.gov>. Electronic comments may be emailed to sdoptboard@venturecomm.net. Material and comments must reach the Board by October 16, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Tieszen Law Office, Prof. LLC can make arrangements are asked to call (605) 224-1500 at least 48 hours in advance of the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 41:06:07:10; 41:06:10:01; 41:06:23:01; 41:06:25:01; 41:06:37:01, and 41:06:37:02.

History-Notice: 43 SDR 179, June 26, 2017
 Hearing: July 13, 2017
 Filed: September 6, 2017
 Effective: September 26, 2017

Volatility Class C-3 gasoline to be used other than from September 16 through September 30 annually. Hurricane Harvey has affected the operation of fuel refineries in Texas, resulting in requests by suppliers to move the date of the allowance of certain fuels to be used so fuel shortages in South Dakota and other parts of the Midwest can be avoided. This executive order declares a state of emergency in South Dakota and directs that Volatility Class C-3 gasoline be permitted for immediate distribution throughout the state through September 30, 2017.

Executive Appointments:

John Scheetz, Spearfish, was appointed on September 1, 2017, to the Board of Minerals and Environment, to replace Linda Hilde, effective immediately and shall continue until June 30, 2019.

Doug Barthel, Sioux Falls, was appointed on September 6, 2017, to the **South Dakota House of Representatives**, representing District 10, to fill the vacancy created by the resignation of Representative Don Hagggar. The appointment is 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.

Executive Order:

The Governor has signed **Executive Order 2017-07**, dated September 5, 2017. Under 20:15:06:01, South Dakota enforces the ASTM Gasoline Standards which do not allow

REMINDER OF HEARINGS SCHEDULED

<p>9-14-2017</p>	<p>Department of Health: South Dakota Board of Medical and Osteopathic Examiners Adopt rules to clarify the timeframe for those individuals renewing their license through the interstate medical licensure compact; establish the different options the Board has when it considers mirroring physician discipline from another state; and establish continuing education as a requirement for physical therapy license renewal; 44 SDR 36, August 21, 2017.</p>
<p>9-18-2017</p>	<p>Department of Education: South Dakota Board of Education Adopt rules to set forth the public school accountability system, performance goals, school classifications, and school support process as required by South Dakota law and the Every Student Succeeds Act of 2015; 44 SDR 41, August 28, 2017.</p>
<p>10-5-2017</p>	<p>Department of Environment and Natural Resources: Water Management Board Adopt rules to update South Dakota's existing surface water discharge and concentrated animal feeding operation permitting rules by incorporating the latest federal regulations by reference and clarifying current rule language; 44 SDR 47, September 5, 2017.</p>
<p>10-10-2017</p>	<p>Office of the Secretary of State Adopt rules to update notary public application and change forms; 44 SDR 47, August 28, 2017.</p>

10-18-2017	Department of Environment and Natural Resources: Division of Environmental Services Amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program; 44 SDR 51, September 11, 2017.
10-20-2017	Department of Health: South Dakota Board of Dentistry Amend rules to update the registration process for dental entities to bring it into compliance with SB 47 and repeal obsolete provisions; 44 SDR 21, July 31, 2017.
10-20-2017	Department of Labor and Regulation: South Dakota Athletic Commission Amend rules to clarify provisions of current rules including general definitions; safety requirements for events; responsibilities of event promoters; requirements for contestants in mixed martial arts contests; penalties for mixed martial artists who fail to make weight for a contracted bout; options for correcting a score entered in error; officials required to be in attendance at an event; the role of a cut man at an event; the authority of a ringside physician during a bout; allowable wraps for a mixed martial artist during a bout; requirements for a ring used for a contest; the process by which a contestant can request a review of a bout; and the adoption of unified rules of mixed martial arts; 44 SDR 31, August 14, 2017.
10-20-2017	Department of Health: South Dakota Board of Examiners in Optometry Adopt rules to clarify the expiration of contact lens and spectacle prescriptions; revise minimum requirements for a comprehensive optometric examination to make the rule consistent with current standards for the profession; and allow an optometrist in certain situations to receive credit for live stream continuing education presentations as "live" continuing education; 44 SDR 51, September 11, 2017.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on September 25, 2017, in Room 414, Fourth Floor of the State Capitol and via the Digital Dakota Network (DDN) in Sioux Falls at the University Center, 4801 N. Career Ave., Room FADM 145. The committee chair has scheduled the final meeting for the 2017 interim for November 14.

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>.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Information from the Register is available free of charge on the LRC website: www.sdlegislature.gov/. You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.