



Department of Transportation
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MEMORANDUM

TO: Kelli Beck and Kari Kroll

FROM: Karla L. Engle

DATE: May 14, 2019

RE: May 23, 2019 Commission Meeting

The Department of Transportation asks the Transportation Commission to approve an amendment to the following administrative rule:

- 70:14:01:01 -- Definitions

Copies of the following documents are enclosed with this memo for the commission's consideration:

1. The proposed rule; and
2. The Rules Presentation Format Form adopted by the Interim Rules Review Committee, listing the procedural steps that have been taken so far in the rule adoption process.

Any written comments that are timely received will be provided to the commission at the meeting on May 23, 2019.

Thank you.

KLE
Enclosures

70:14:01:01. Definitions. Terms used in this chapter mean:

- (1) "Commission," the South Dakota Transportation Commission;
- (2) "Department," the South Dakota Department of Transportation;
- (3) "Highway," every way or place of whatever nature that is open to the public, as a matter of right, for purposes of vehicular travel, and that is under the jurisdiction of a municipality, county or township. The term "highway" includes a bridge as that term is defined in SDCL 31-14-1;
- (4) "Loan," a loan from the state highway fund;
- (5) "Local government," a municipality, township or county authorized by statute to exercise jurisdiction and control over the marking, construction, reconstruction, repair, and maintenance of a highway;
- (6) "Project," the marking, constructing, reconstructing, repairing, or maintenance of a highway.

General Authority: SDCL 31-5-8.

Law Implemented: SDCL 31-5-8.

Interim Rules Review Committee Recommended Rules Presentation Format

When you submit the final draft to the Legislative Research Council (LRC) and the Rules Review Committee, please answer these questions to show that the SDCL § 1-26 rule-making process is complete. Use this format to organize your presentation to the Committee.

- Approval to proceed? Yes No Date April 24, 2019
- The date of your public hearing. Date May 23, 2019
- The date you submitted the proposed rules and the supporting documents to LRC and the Bureau of Finance and Management: Date April 25, 2019 (Note - This must be completed at least 20 days before your public hearing.)
 - any publication incorporated by reference;
 - the fiscal note;
 - the impact statement on small business; and
 - the notice of hearing.
- The date and the name of the newspapers where you published the notice of the public hearing.
 - Date April 29, 2019 Newspaper Rapid City Journal
 - Date April 30, 2019 Newspaper Aberdeen American News
 - Date April 29, 2019 Newspaper Sioux Falls Argus Leader
 - Date April 29, 2019 Newspaper Pierre Capital Journal
- Summarize how and when interested persons, if any, were contacted and how many were contacted. **On April 25, 2019, copies of the hearing notice and proposed rules were sent to the individuals who have requested mail notification of rule-making by the commission. On the same date, electronic copies of the hearing notice and proposed rules were sent to the individuals who have requested electronic notification of rule-making. The hearing notice, proposed rules, small business impact statement, and fiscal notes were also posted on the Open SD website for the State of South Dakota.**
- Provide the page numbers in the minutes where it mentions how the agency considered amendments, data, opinions, or arguments regarding the proposed rules, along with any changes and final action. _____
- If the rules are implementing a bill from last session, identify the bill number. _____
- The date you submitted the final rules and supporting documents to the LRC and the Rules Review Committee: Date _____ (Note - This must be received no later than 5 days before the Rules Review Committee meeting.)
 - the "Approval of Rules" - Form 11 (LRC only);
 - the style and form copy (LRC only);
 - the "Affidavit" of mailing - Form 12 (LRC only);
 - the final copy of the rules (Both);
 - the minutes of the hearing (Both);
 - the record of written comments (Both);

- the impact statement on small business – Form 14 (Committee only);
- the fiscal note – Form 5 (Committee only);
- the budgetary information required to increase a fee (Committee only); and
- the rules process outline (Both).