

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., April 24, 2017

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice:

The transition of the Division of Adult Services and Aging (ASA) from the **Department of Social Services (DSS)** to the **Department of Human Services (DHS)** resulted in the creation of a Division of Long Term Services and Supports (LTSS) within the Department of Human Services. As a result, the Home and Community-Based Services (ASA) Waiver for South Dakotans is being amended to update language of the operating agency from DSS-ASA to DHS-LTSS with an anticipated effective date of July 1, 2017. Additionally, the name of this Waiver will be transitioned from Home and Community-Based Services (ASA) Waiver for South Dakotans to the Home and Community-Based Options and Person Centered Excellence (HOPE) Waiver. This transition will be seamless for consumers receiving services through the HOPE Waiver. The purpose of the HOPE Waiver is to provide home and community-based services to South Dakotans age 65 and older as well as individuals over the age of 18 who have a qualifying disability to allow them to remain at home or in the least restrictive environment available. Services are based on assessed need and may include, but are not limited to, homemaker, personal care, specialized medical equipment, specialized medical supplies, assisted living, in-home nursing, and emergency response systems.

The HOPE Waiver Amendment Application and the summary of proposed changes will be available online at

<http://dss.sd.gov/keyresources/hearings.aspx>, and <http://dhs.sd.gov/ltss/titlexix.aspx> or by contacting the Division of Long Term Services & Supports at 605-773-3656 to request a printed copy. The proposed South Dakota HOPE Waiver is available for public comment for 30 days beginning April 26, 2017, through May 25, 2017. DHS appreciates your questions and comments. Comments may be made by phone at 605-773-3656, by e-mail to hcbs@state.sd.us, or by mail to Misty Black Bear, LTSS Hope Waiver Manager, Division of Long Term Services & Supports, Department of Human Services, Hillview Plaza, 3800 E. Hwy. 34, c/o 500 E. Capitol, Pierre, SD 57501-5070.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

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

5-4-2017	Department of Labor and Regulation: SD Electrical Commission: Amend rules to adopt the 2017 National Electrical Code (the "2017 NEC") and update the reference to the 2015 International Building Code (the "2015 IBC"); update
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	<p>definitions; document the requirement to hold a license to gain experience; clarify that a federal employee is considered licensed; clarify a statutory reference regarding units of time for experience; change the expiration of maintenance licenses to occur in two years on the date of issuance; document notice requirements, document the available options an inspector may utilize at the stages of rough in, final, and the completion of corrections including, final void, issue a report or order a disconnect; clarify the minimum fee for an inspection man hour or fraction thereof; document the utilization of the term electrical equipment and the designation of machinery; update references to the National Electrical Code; require in use covers and a receptacle within 25 feet of the heating and ac equipment in residential housing units moved to new locations; and clarify the fee, notification and payment requirements and the inspection process for carnivals and celebrations; 43 SDR 135, April 17, 2017.</p>
5-5-2017	<p>Department of Labor and Regulation: SD Cosmetology Commission: Amend rules to update and clarify rules, define new terms, more clearly list prohibited equipment and procedures, update and specify safety and infection control procedures, add new certification requirement, update rules relating to instructors, and remove outdated rule; 43 SDR 136, April 17, 2017.</p>
5-15-2017	<p>Department of Education: Board of Education Amend rules to include the National Guard Tuition Benefit funds as a set aside in the technical institute budget and set out in rule the PTI per student allocation as set for fiscal year 2018, clarify the distribution and application of technical institute instructor salary support funds for fiscal year 2018, clarify when non-attending students are removed from state aid calculations, suspend calculation of the School Performance Index for the 2016-2017 school year and hold over classifications from the 2014-15 school year, create local flexibility in decisions regarding the incorporation of assessments and student growth ratings in implementation of teacher and principal evaluation systems; 43 SDR 135, April 17, 2017.</p>
5-19-2017	<p>Department of Human Services: Division of Rehabilitation Services Amend rules to bring the interpreter certification level required for criminal proceedings or serious medical procedures corresponding to the certification currently being granted by the Registry of Interpreters for the Deaf (RID); 43 SDR 133, April 13, 2017.</p>

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, May 1, 2017, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2017 interim: June 5, July 17, August 22, September 25, and 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>.