

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., June 4, 2018

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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

***Department of Labor and Regulation:
Division of Insurance:*** (May 29, 2018)

intends to amend rules to update the sources referenced in rule, and the definition of "health organization" to include "hospital." The general authority for these rules, as cited by the department, is SDCL §§ 58-3-11, 58-3-26, 58-4-48, 58-6-75, 58-26-13.1, 58-26-45.1, 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, 2nd Floor, Pierre, South Dakota, on June 18, 2018, at 2:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Division of Insurance, Administrative Rules, 124 S. Euclid Avenue, 2nd Floor, Pierre, SD 57501. Electronic copies are also available by email to mallori.barnett@state.sd.us, and online at http://dlr/sd/gov/insurance/admin_rules/public_hearings.aspx. The comment period will remain open for ten days following the public hearing and will close on June 28, 2018. This hearing is being held in a physically accessible place. Persons who have special needs for which the Division can make arrangements are asked to call (605) 773-3563 at least 48 hours before the public hearing.

Department of Labor and Regulation:

SD Cosmetology Commission: (May 30, 2018) intends to amend rules to eliminate two-tier instructor licensing; allow for substitute instructors; reduce cosmetology and apprentice education hours; set minimum curriculum hours; clarify school reporting requirements; change the instructor to student ratio; allow students to take their licensure State Board exams prior to finishing their education so that they can immediately join the work force upon completion of their education; and eliminate salon licensure requirements for certain assisted living facilities. The general authority for these rules, as cited by the commission, is SDCL §§ 36-15-2.3, 36-15-2.4, 36-15-13, 36-15-25, 36-15-25.1, 36-15-25.2, and 36-15-26.2.

A public hearing will be held at the Cosmetology Commission Office, 221 West Capitol Avenue, Suite 101, Pierre, South Dakota, on June 25, 2018, at 9:00 a.m. CT and via conference call. The call-in number to access the conference call is (866) 410-8397 with Conference code 5816742095. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Cosmetology Commission, 221 W. Capitol Avenue, Suite 101, Pierre, SD 57501. Material must reach the Commission by June 21, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Commission can make arrangements are asked to call (605) 773-6193 at least 48 hours before the public hearing.

Department of Game, Fish and Parks:

(June 1, 2018) intends to adopt an emergency rule to establish rules to allow department Park Rangers and Conservation Officers to regulate the movement of firewood into state parks to slow the spread of the Emerald Ash Borer insect to uninfected trees. The general authority for these rules, as cited by the department, is SDCL § 41-15-10.1.

A copy of the proposed rule may be obtained without charge from the South Dakota Department of Game, Fish and Parks, 523 East Capitol Avenue, Pierre, SD 57501. Emergency rules must be filed with the Secretary of State within 30 days of the date of admission to the Legislative Research Council and are effective for 90 days from the date of filing.

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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>6-7-2018</p>	<p>Department of Game, Fish and Parks: Amend rules to eliminate the preference point forfeiture; eliminate age requirements for mentored youth hunters to hunt big game seasons; repeal the current size of party limit for hunting; replace the term "factory-rated" with "rated"; require that at least a .50 caliber bullet be used when using muzzleloading handguns; clarify that muzzleloading handguns are authorized for use in big game seasons; require deer that are harvested from Custer State Park to be submitted for chronic wasting disease; allow an individual to carry a firearm while archery hunting as long as they possess a firearms big game license valid for the same geographic area and time of year as the archery license; allow an individual to possess a firearm while accompanying an archery hunter so long as the individual has a valid big game license for the same geographic area and time of year as the licensed archery hunter; repeal the required bowhunter education requirement for certain archery hunters; move the start date for the archery deer hunting season from the fourth Saturday in September to September 1; ban the use of certain snares and extend the time period that all snares are prohibited on public lands and improved road rights-of-way to the end of pheasant season; require trappers to mark their traps to identify who the trap belongs to; and require all fur dealers to list employees/agents on their application who will purchase or contract to purchase fur-bearing animals; 44 SDR 171, May 21, 2018.</p>
<p>6-13-2018</p>	<p>Department of Health: Amend rules to clarify the authority and processes that administer the J-1 Visa Program; 44 SDR 168, May 14, 2018.</p>
<p>6-14-2018</p>	<p>Department of Health: Board of Medical and Osteopathic Examiners: Amend rules to establish the criteria and approval process for a dry needling course of study that is completed by a physical therapist; and clarify the qualifications of a medical assistant applying for registration; 44 SDR 167, May 14, 2018.</p>
<p>6-15-2018</p>	<p>Department of Health: South Dakota State Board of Dentistry: Amend rules to remove obsolete provisions, update references, clarify and update requirements regarding</p>

	licensure and registration, clinical competency examinations, and continuing education to make the rules more uniform; and move administrative rules to better organize rules by designated licensee or registrant categories; 44 SDR 161, April 30, 2018.
6-18-2018	Office of the Secretary of State: Board of Elections: Amend rules to provide a check box on the Voter Registration Address Verification Notice to note if a person no longer resides at that address; clarify the offices for which an independent candidate can run and where to submit petitions in the notice of deadline for filing nominating petitions for the primary election and for filing independent candidate petitions; remove language that pertains to the use of an ExpressLink ballot printer at the polling place as that was specific to the 2018 primary election; provide additional requirements on guidelines for acceptance of petitions and for counting signatures on petitions; provide a sample size for the random sample table for statewide candidates to allow for up to 20,000 signatures to be submitted; provide additional language in the petition circulator's oath on the statewide initiative, referendum, and initiated constitutional amendment petitions to include that the circulator is not attesting to any signature obtained by another person and that the circulator is a resident of South Dakota; amend the affidavit of completed ballot petition to include new language the petition sponsor needs to provide on each circulator; add a new column to the recapitulation sheet to provide for ballot counts for those counties using the new ExpressVote ballot marking device; and clarify the instructions absentee voters receive to inform them they need to pay the postage to return their absentee ballot and that the ballot must be received by the person in charge of the election before the polls close; 44 SDR 167, May 14, 2018.
6-18-2018	Department of Labor and Regulation: Division of Insurance: Amend rules to update the sources referenced in rule, and update the definition of "health organization" to include "hospital"; 44 SDR 179, June 4, 2018.
6-25-2018	Department of Labor and Regulation: SD Cosmetology Commission: Amend rules to eliminate two-tier instructor licensing; allow for substitute instructors; reduce cosmetology and apprentice education hours; set minimum curriculum hours; clarify school reporting requirements; change the instructor to student ratio; allow students to take their licensure State Board exams prior to finishing their education so that they can immediately join the work force upon completion of their education; and eliminate salon licensure requirements for certain assisted living facilities; 44 SDR 179, June 4, 2018.
6-28-2018	Department of Health: Board of Nursing: Amend rules to add certified registered nurse anesthetists (CRNA), clinical nurse specialists (CNS), certified nurse practitioners (CNP), and certified nurse midwives (CNM) to the definition of school; raise the biennial renewal fees for RNs, LPNs, CRNAs, and CNSs from \$70 to \$95; update the rules for the approval of nursing education programs and add requirements for approval of advanced practice nursing programs; repeal outdated rules regarding the Nurse Licensure Compact; and update the rules for nurse practitioners and nurse midwives; 44 SDR 171, May 21, 2018.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee for the 2018 Interim is Monday, June 4, 2018, at 10:00 a.m. in Room 414 of the State Capitol. Other meetings scheduled for the 2018 interim will be held July 9, August 20, September 17, and November 13.

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>.