

REGISTER



South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., August 14, 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 Labor and Regulation: South Dakota Athletic Commission: (August 9, 2017) intends to 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.

A public hearing will be held in the Department of Labor and Regulation Conference Room, 123 West Missouri Avenue, Pierre, South Dakota, on October 20, 2017, at 11:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Athletic Commission, P.O. Box 340, Pierre, SD 57501 or emailed to them at SDAC@midwestsolutionssd.com. Material sent by mail must reach the Athletic Commission by October 19, 2017, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which

the Athletic Commission can make arrangements are asked to call (605) 224-1721 at least 48 hours in advance of the hearing.

Department of Game, Fish and Parks: (August 10, 2017) intends to amend rules to create a "no boating zone" on the waters of Swan Lake in Clark County from October 20 to December 31, inclusive; and establish a process whereby an owner of private property underlying any nonmeandered lake listed in SDCL 41-23-8 may petition the Game, Fish and Parks Commission to allow the owner of private property to restrict recreational use of the water overlying the owner's private property.

A public hearing will be held at the Ramada Inn, 1301 West Russell Street, Sioux Falls, South Dakota, on September 7, 2017, at 2:00 p.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, SD, 57501 or comments may be emailed to wildinfo@state.sd.us or gfpadminrules@state.sd.us. Copies of the proposed rules are also available at <https://rules.sd.gov>. Material sent by mail or email must reach the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. CT on the date of the hearing 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

Department of Labor and Regulation:

Division of Insurance: (August 10, 2017) intends to adopt the National Association of Insurance Commissioners' Own Risk and Solvency Assessment (ORSA) Guidance Manual; and update the credit for reinsurance rules for domestic insurance companies.

A public hearing will be held in the West River Conference Room, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota, on August 31, 2017, at 2:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2nd Floor, Pierre, SD 57501. Copies of the proposed rules are available at http://dlr/sd/gov/insurance/admin_rules/public_hearings.aspx or by email to mallori.barnett@state.sd.us. The comment period will remain open for ten days following the public hearing and will close on September 10, 2017. 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 public hearing.

Executive Appointments:

Steve Kolbeck, Brandon, was appointed on July 31, 2017, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2020.

Correction Filed:

~~Steve Harding~~, Pierre Pat Miller, Fort Pierre, was appointed on July ~~24~~25, 2017, to the **State Capitol Complex Restoration and Beautification Commission**, effective immediately and shall continue until June 30, 2021.

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

<p>8-24-2017</p>	<p>Department of Revenue: South Dakota Lottery Commission Amend rules to increase the price of a Mega Millions' play from \$1 to \$2, raise the starting jackpot from \$15 million to \$40 million, reconstruct the game matrix, and allow the Just the Jackpot Promotion for the Mega Millions lotto game; and adopt rules to allow the sale of the Lotto America lotto game; 44 SDR 21, July 31, 2017.</p>
<p>8-24-2017</p>	<p>Department of Transportation Amend rules to change and extend a limited speed zone on State Trunk Highway 115 in and around Dell Rapids, reducing the speed limit from 65 miles per hour to 55 miles per hour on a 1.08 mile segment of State Trunk Highway 115 immediately southeast of the existing speed limit zone and proposing a 35 mile per hour zone for a 1.44 mile segment in Dell Rapids and then a 50 mile per hour speed zone for a 0.2 mile segment immediately west of the 35 mile per hour zone; extend a 35 mile per hour speed zone on U.S. Highway 14 east of the Interstate Highway 29 interchange in Brookings an additional 0.42 mile and then transition to 50 miles per hour for 0.20 mile; replace a 40 mile per hour speed zone on U.S. Highway 18 over Interstate Highway 29 at Exit 62 with a 55 mile per hour speed zone; and reduce the speed limits on U.S. Highway 18 in</p>

	and around Mission and the Antelope Community in Todd County by extending a 35 mile per hour speed zone an additional 0.58 mile to the east of Mission and a 45 mile per hour speed zone to the east of the Antelope Community; 44 SDR 25, August 7, 2017.
8-28-2017	Department of Labor and Regulation: Board of Barber Examiners Amend rules to remove references to apprentice barbers, update and remove language, update reference to the Department of Labor and Regulation, and update laws implemented; 44 SDR 25, August 7, 2017.
8-29-2017	Department of Health: Division of Health Systems Development and Regulation Adopt rules to give the department authority to license and regulate community living homes in South Dakota; 44 SDR 17, July 24, 2017.
8-30-2017	Department of Human Services: Division of Developmental Disabilities Amend rules to revise the definition of a community support provider to align the rule with statute; change the definition of an organized health care delivery system to include community services provider; align the rule definition of community services provider with statutory definition, allowing a for profit entity to provide direct services; add a definition of home and community services; repeal duplicative rule; require similar enrollment documents for profit and not for profit entities; replace the phrase "CSP or SP" with provider; clarify the applicable ARSD chapters for the biennial review of providers; change the language from CSP to provider to make the process applicable to SP's; clarify that either a CSP or SP provider of direct HCB services establish and use a human rights committee for certain rights restrictions; clarify that either a CSP or SP must have policies and procedures for calculations of wages owing to participants in a vocational training and employment setting; extend the time frame for implementing ISP revisions; require providers of direct HCB services to meet certain standards in owned or leased buildings and meet certain fire extinguisher requirements and updates the DOH reference to linens and fire code; require any provider of direct HCB services to provide a medication administration system; extend fair hearing protections to a termination of waiver services by a SP; allow an individual employed by a SP to be a coordinator of family support waiver services; allow a SP to be an employer of record; allow a SP to provide home and community based services; allow a SP to be a provider and specifies the responsibilities of being a provider; correct references to ARSD; transfer a section regarding confidentiality; add SP to entities required to provide notice of a critical incident; add SP to those entities available to deliver services under the family support program; add SP to the agency of choice model of service delivery; allow an individual to use a SP to deliver services; allow a SP to provide family support coordination; clarify the services available through the agency with choice service model; add SP to the transfer of records process; add SP to the entities subject to biennial review and to a participant satisfaction survey; add SP to those entities subject to revocation of a provider agreement for failure to meet ARSD standards; require CSP's, SP's and qualified providers to recognize rights of participants, parents and guardians; expand definition of coordinator; remove definition of provider; specify that a local family support provider can be a SP; shorten and clarify rule by changing phrase to provider; and clarify that community training services must meet the service standards of Chapter 46: 11 :05. The primary effect of the rules will be to allow for profit entities to deliver community services to individuals with intellectual and developmental disabilities; 44 SDR 26, August 7, 2017.

8-31-2017	Department of Labor and Regulation: Division of Insurance Adopt the National Association of Insurance Commissioners' Own Risk and Solvency Assessment (ORSA) Guidance Manual; and update the credit for reinsurance rules for domestic insurance companies; 44 SDR 32, August 14, 2017.
9-7-2017	Department of Game, Fish, and Parks Amend rules to create a "no boating zone" on the waters of Swan Lake in Clark County from October 20 to December 31, inclusive; and establish a process whereby an owner of private property underlying any nonmeandered lake listed in SDCL 41-23-8 may petition the Game, Fish, and Parks Commission to allow the owner of private property to restrict recreational use of the water overlying the owner's private property; 44 SDR 31, August 14, 2017.
10-20-2017	Department of Health: State 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.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on August 22, 2017, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2017 interim: 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>.