

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., September 28, 2015

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF HEALTH: DIVISION OF HEALTH SYSTEMS DEVELOPMENT AND REGULATION:

44:03:01:14.01;
Article 44:04; 44:72:01:01; Articles 44:73;
44:74; 44:75; 44:76; 44:77; 44:78; 44:79; and
44:80.

History-Notice: 42 SDR 2, July 6, 2015
Hearing: August 26, 2015
Filed: September 21, 2015
Effective: October 13, 2015

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF BANKING: SD PUBLIC DEPOSIT PROTECTION COMMISSION:

6:02:02:02 to 6:02:02:06.03,
inclusive.

History-Notice: 41 SDR 213, June 8, 2015
Hearing: July 15, 2015
Filed: September 21, 2015
Effective: October 13, 2015

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF SECURITIES:

20:08:07:40.

History-Notice: 42 SDR 27, August 17, 2015
Hearing: September 4, 2015
Filed: September 21, 2015
Effective: October 13, 2015

DEPARTMENT OF SOCIAL SERVICES:

67:12:17:01 to 67:12:17:15, inclusive;
67:16:01:01, 67:16:01:06.03, 67:16:01:22,

67:16:01:22.01, 67:16:01:25, 67:16:01:26,
67:16:01:27; 67:16:02:01.01, 67:16:02:03,
67:16:02:03.02, 67:16:02:03.03, 67:16:02:04,
67:16:02:05.08, 67:16:02:05.09,
67:16:02:05.10, 67:16:02:05.13,
67:16:02:05.14, 67:16:02:11, 67:16:02:16.01,
67:16:02:17, 67:16:02:18; 67:16:03:01,
67:16:03:02, 67:16:03:02.01, 67:16:03:03,
67:16:03:06, 67:16:03:06.06, 67:16:03:06.07,
67:16:03:06.14, 67:16:03:13, 67:16:03:14,
Appendix C; 67:16:04:60, 67:16:04:63;
67:16:05:07, 67:16:05:09; 67:16:06:04,
67:16:06:07; 67:16:07:03, 67:16:07:05,
67:16:07:05.01, 67:16:07:08; 67:16:08:04,
67:16:08:06, 67:16:08:08; 67:16:09:03,
67:16:09:05.01, 67:16:09:07, 67:16:09:08;
67:16:11:05.01, 67:16:11:06.09,
67:16:11:06.15, 67:16:11:06.16, 67:16:11:17,
67:16:11:19.02; 67:16:13:07, 67:16:13:09;
67:16:14:06, 67:16:14:06.02, 67:16:14:06.04,
67:16:14:10, 67:16:14:16, 67:16:14:17;
67:16:25:03, 67:16:25:05, 67:16:25:07.01,
67:16:25:07.03, 67:16:25:07.04, 67:16:25:10;
67:16:28:04, 67:16:28:05, 67:16:28:07;
67:16:29:02.01, 67:16:29:02.02,
67:16:29:02.04, 67:16:29:07, 67:16:29:08,
67:16:29:09; 67:16:37:15; 67:16:40:08;
67:16:41:05, 67:16:41:09, 67:16:41:13,
67:16:41:16; 67:16:42:07, 67:16:42:09,
67:16:42:10; 67:16:43:09; 67:16:44:08,
67:16:44:10; 67:16:46:05, 67:16:46:07;
67:16:47:01, 67:16:47:04.04, 67:16:47:04.05,
67:16:47:04.06; 67:44:03:11; 67:45:02:12;
67:54:08:11; and 67:54:09:19.

History-Notice: 42 SDR 27, August 17, 2015
Hearing: September 4, 2015
Filed: September 21, 2015
Effective: October 13, 2015

DEPARTMENT OF TRANSPORTATION:
Articles 70:12 and 70:13.

History-Notice: 42 SDR 13, July 27, 2015
 Hearing: August 27, 2015
 Filed: September 21, 2015
 Effective: October 13, 2015

**DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES: BOARD OF
MINERALS AND ENVIRONMENT:**

74:36:01:01, 74:36:01:05, 74:36:01:10,
 74:36:01:10.01, 74:36:01:20; 74:36:02:02 to
 74:36:02:05, inclusive; 74:36:03:01,
 74:36:03:02; 74:36:04:03, 74:36:04:04,
 74:36:04:21.01; 74:36:05:04, 74:36:05:04.01,
 74:36:05:06, 74:36:05:16.01, 74:36:05:39.01;
 74:36:07:01 to 74:36:07:07.01, inclusive,
 74:36:07:09, 74:36:07:10, 74:36:07:12 to
 74:36:07:28, inclusive, 74:36:07:31 to
 74:36:07:34, inclusive, 74:36:07:36,
 74:36:07:37, 74:36:07:39 to 74:36:07:93,
 inclusive; 74:36:08:01 to 74:36:08:130,
 inclusive; 74:36:09:02, 74:36:09:03;
 74:36:10:02, 74:36:10:03.01, 74:36:10:05 to
 74:36:10:08, inclusive; 74:36:11:01;
 74:36:12:01, 74:36:12:03; 74:36:13:02 to
 74:36:13:04, inclusive, 74:36:13:06 to
 74:36:13:08, inclusive; 74:36:16:01,
 74:36:16:02, 74:36:16:04, 74:36:16:05;
 74:36:18:10; 74:36:20:02, 74:36:20:02.01,
 74:36:20:05, 74:36:20:05.01; 74:36:21:02,
 74:36:21:04, 74:36:21:05, and 74:36:21:09.

History-Notice: 42 SDR 13, July 27, 2015
 Hearing: August 20, 2015
 Filed: September 22, 2015
 Effective: October 13, 2015

**DEPARTMENT OF LABOR AND
REGULATION: DIVISION OF
INSURANCE:** 20:06:01:01; 20:06:12:07;
 20:06:13:21.01, 20:06:13:35, 20:06:13:51,
 Appendix D; 20:06:19:04; 20:06:21:54;
 20:06:25:01, 20:06:25:01.01, 20:06:25:01.02,
 20:06:25:02; 20:06:26:01; 20:06:27:03,
 20:06:27:04; 20:06:30:04, 20:06:30:08;
 20:06:36:01; 20:06:44:01; 20:06:48:09; and

20:06:53:03, Appendices A and B.

History-Notice: 42 SDR 21, August 10, 2015
 Hearing: August 28, 2015
 Filed: September 22, 2015
 Effective: October 13, 2015

**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: Division of Insurance: (September 24, 2015) intends to amend rules to update the insurance holding companies reporting requirements and amend rules regarding certificates of creditable coverage. The general authority for these rules, as cited by the department, is SDCL §§ 58-5A-70, and 58-18-79, 58-17-87.

A public hearing will be held in the West River Conference Room, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota, on October 19, 2015, at 9:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota 57501. The text of the proposed rules will be posted on the department's website: http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rules may also be obtained as a Microsoft Word attachment by emailing mallori.barnett@state.sd.us. 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 hearing.

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>10-1-2015</p>	<p>Department of Game, Fish and Parks Amend Mountain Lion Hunting Season and License Forms and Fees rules to modify the mountain lion harvest limit for the Black Hills Fire Protection District (including Custer State Park), establish a nonresident mountain lion hunting license at a fee of \$121 (includes \$6 surcharge), authorize the issuance of nonresident mountain lion hunting licenses (excluding Custer State Park), and amend the use of dogs for hunting mountain lions in Custer State Park; amend General Provisions (Fishing Seasons and Methods) rules to change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area," correct the boundary description of the Black Hills Fish Management Area, and adopt a rule to allow white bass to be declared rough fish for the purpose of contracted commercial fishing; amend Fish Limits rules to change white bass limits on Nebraska border waters to match those of Nebraska, remove the restriction allowing only largemouth and smallmouth bass that are less than 14 inches in length or 18 inches or greater in length to be harvested from Lake Cochrane in Deuel County and Waubay Lake in Day County, remove the 15 inch minimum length restriction exemption in July and August for walleye from Ft. Randall Dam down to the South Dakota-Nebraska state line on the Missouri River, remove the 15 inch minimum length restriction for walleye from the Cattail/Kettle Lake Complex in Marshall County and Bitter Lake in Day County, remove the 15 inch minimum length restriction and remove the two fish daily limit restriction for walleye from Opitz Lake in Day and Marshall Counties, add a 15 inch minimum length restriction for largemouth and smallmouth bass in Bismarck Lake, Custer County, change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area", and allow removal of fish eyes for use as bait while on the water and specify that the requirement that fish remain whole while on the water only applies to gamefish; amend a Paddlefish Snagging rule to allow snagging of paddlefish on the Big Sioux River during the October paddlefish season below Gavins Point Dam and delete language in current rule which provides that "Any paddlefish tag that is locked closed before attachment or that is altered or modified in any way is void and may not be replaced."; amend a Spearing rule to change the archery paddlefish season below Gavins Point Dam to run from June 1 through June 30; amend a Bait rule to change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area;" amend a Bobcat Trapping and Hunting Season rule to add Clay, Hughes, Hutchinson, Hyde and Union counties to the open area for the East River season; and amend a Private Fish Hatcheries rule to require an applicant for renewal of a private aquaculture license to include a copy of the aquaculture facility's previous year's fish health inspection results with each license renewal application as a condition of renewal of the license; 42 SDR 39, September 8, 2015.</p>
<p>10-1-2015</p>	<p>Department of Transportation Amend a Hughes County speed zone on U.S. Highway 14 and U.S. Highway 83 in Pierre beginning at Fourth Street northeasterly for .065 mile, 35 mph, then northeasterly for 3.2 miles, 55mph; and on U.S. Highway 14 and U.S. Highway 83 Truck Bypass in Pierre,</p>

	beginning at the junction with State Trunk Highway 34, then north for 2.19 miles, 35 mph, then north to its junction with U.S. Highway 14 and U.S. Highway 83, 45 mph; 42 SDR 35, August 31, 2015.
10-7-2015	Department of Health: Division of Health and Medical Services Amend rules to add Coccidioidomycosis, Leptospirosis, Middle East respiratory syndrome (MERS), chikungunya, Colorado Tick Fever, Lead (elevated blood levels in children and adults), Silicosis, Carbon monoxide poisoning and Pesticide-related illness and injury, acute to the South Dakota Reportable Disease list; 42 SDR 43, September 14, 2015.
10-13-2015	Office of the State Auditor Repeal a rule regarding the minimum amount guidelines for electronic fund transfers evaluated by the Office of the State Auditor; 42 SDR 39, September 8, 2015.
10-16-2015	Department of Health: Board of Dentistry Amend rules to remove obsolete provisions and references; update references; update permits to administer general anesthesia and deep sedation, moderate sedation, nitrous oxide inhalation analgesia, local anesthesia and permits to monitor patients under anesthesia or sedation; require continued competency for anesthesia and sedation permit holders; update rules related to contracting with licensed anesthesia providers; allow a dentist that holds a general anesthesia and deep sedation or moderate sedation permit to authorize a dental hygienist, registered dental assistant or dental assistant operating under direct visual supervision to inject medication pursuant to a verbal command and set forth the requirements for this authorization to occur; and update the anesthesia credentials committee; 42 SDR 47, September 21, 2015.
10-19-2015	Department of Labor and Regulation: Division of Insurance Amend rules to update the insurance holding companies reporting requirements and amend rules regarding certificates of creditable coverage; 42 SDR 52, September 28, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, November 9, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: December 14.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.