

REGISTER



South Dakota Legislative Research Council

Volume 45

Tuesday, 8:00 a.m., October 9, 2018

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

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: South Dakota Board of Accountancy: (October 1, 2018) intends to amend rules to update references; add language to waive certain requirements; update definitions, program measurements, criteria and standards for continuing professional education; and repeal rules regarding the South Dakota peer review program. The general authority for these rules, as cited by the board, is SDCL § 36-20B-12.

A public hearing will be held via conference call at the South Dakota Board of Accountancy, 301 East 14th Street, Suite 200, Sioux Falls, South Dakota, on October 23, 2018, at 9:30 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Accountancy, 301 E. 14th Street, Suite 200, Sioux Falls, SD 57104. Material sent by mail must reach the board by October 19, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make

arrangements are asked to call (605) 367-5770 at least 48 hours before the public hearing.

Department of Agriculture: South Dakota Animal Industry Board: (October 2, 2018) intends to amend rules to update definitions to more accurately reflect current terminology and modernize language of reference material; consolidate animal identification rules into one chapter; eliminate redundant language which is already outlined in national program guidance for disease control; update current language of reference material; allow for recognition of other state agency inspections already conducted on meat establishments; eliminate brucellosis test requirements for imported cervids and update identification language to align with federal guidance; and clarify animals subject to official testing require identification and responsibility for payment. The general authority for these rules, as cited by the board, is SDCL §§ 1-26-1, 39-5-11.1, 39-5-11.2, 40-3-14, 40-3-25, 40-3-26, 40-5-5.1, 40-5-8, 40-5-8.6, and 40-7-20.1.

A public hearing will be held at the South Dakota Animal Industry Board office, 411 South Fort Street, Pierre, South Dakota, on November 1, 2018, at 8:30 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Animal Industry Board, 411 S. Fort Street, Pierre, SD 57501. The rules can be viewed online at <https://rules.sd.gov/>. Material sent by mail must reach the board by October 31, 2018, to be considered. All written comments must include the name, city, and state of the person submitting them. This hearing is being held in a physically accessible

place. Persons who have special needs for which the board can make arrangements are asked to call (605) 773-3321 or (605) 223-7684 (Telecommunication Device for the Deaf) before the public hearing.

Department of Labor and Regulation: South Dakota Board of Massage Therapy: (October 2, 2018) intends to amend rules to increase annual fees from \$45 to \$65 per year and the initial license fee from \$75 to \$100 on massage therapists in South Dakota. The general authority for these rules, as cited by the board, is SDCL §§ 36-35-17, 36-35-18.1, and 36-35-24.

A public hearing will be held at the South Dakota Department of Labor and Regulation, 2330 North Maple Avenue, Suite 1, Rapid City, South Dakota, on October 23, 2018, at 9:00 a.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Massage Therapy, 1103 Park Hill Drive, Rapid City, SD 57701. Material sent by mail must reach the board by October 22, 2018, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 858-1708 at least 48 hours before the public hearing.

Department of Revenue: (October 3, 2018) intends to amend rules to repeal obsolete rules; include language referencing electronic licensure capabilities; clarify that the on-line requirements exception pertains to manufactured home dealers; remove a reference to a department title process that was discontinued based on statutory requirements; increase a title fee to conform with the statutory increase; eliminate outdated practices and redundant rules; conform with changes in statute and comply with style and form guidelines; require title applicants to submit related federal licensure material; and combine or replace related provisions and

repeal redundant chapters. The general authority for these rules, as cited by the department, is SDCL §§ 32-3-57, 32-6B-14, 32-6B-60, 32-7B-20, 35-10-1, 35-2-10, 35-12-22, and 35-16-7.

A public hearing will be held in the basement conference room of the Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on November 1, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Revenue, Anderson Building, 445 E. Capitol Avenue, Pierre, SD 57501. The rules can be viewed online at <https://rules.sd.gov/>. Material sent by mail must reach the department by November 12, 2018, 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) 773-3311 at least 48 hours before the public hearing.

Office of the Attorney General: Law Enforcement Officers Standards and Training Commission: (October 5, 2018) intends to amend rules to authorize individuals to receive a license as a polygraph examiner by completing a course of study at a school certified by the American Association of Police Polygraphists. The general authority for these rules, as cited by the commission, is SDCL § 23-3-35.

A public hearing will be held in the Crystal Room of the Best Western Ramkota Hotel, 3200 West Maple Street, Sioux Falls, South Dakota, on November 7, 2018, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 E. Highway 14, Pierre, SD 57501. Material sent by mail must reach the commission at least 72 hours before the public hearing to be considered.

The comment period will remain open until the conclusion of the public hearing on November 7, 2018. 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) 773-3584 at least 48 hours before the public hearing.

NOTE REGARDING ADOPTED 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.

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

REMINDER OF HEARINGS SCHEDULED

10-12-2018	Department of Health: Amend rules to allow air ambulance services to transport critical care patients by ground under specific circumstances; 45 SDR 40, September 17, 2018.
10-15-2018	Department of Social Services: Board of Social Work Examiners: Establish rules for the Assistant Behavior Analyst or Paraprofessional, and amend rules for Social Workers to remove language related to licensure by equivalency; update to the most recent code of ethics; remove the fee schedule for examinations not conducted by the department; revise language for continuing education to allow more hours via online providers; and remove prior Board approval for preparation or publication of a professional social work topic or paper; 45 SDR 43, September 24, 2018.
10-17-2018	Department of Human Services: Amend rules to reflect new federal mandates in the CHOICES waiver services program; 45 SDR 40, September 17, 2018.
10-18-2018	Department of Labor and Regulation: South Dakota State Plumbing Commission: Amend rules regulating plumbing installation practices as they relate to the 2015 SD Uniform Plumbing Code; and offset increasing expenditures to maintain operations; 45 SDR 44, September 24, 2018.
10-19-2018	Department of Health: South Dakota Board of Podiatry Examiners: Amend rules to update language relating to continuing education requirements; remove language regarding examinations by the Board; update language for qualifications of license applicants; update language for applicants holding an out of state license; replace verbiage of certificate of registration with license; remove antiquated language relating to officers of the Board; and update to the most recent version of the Code of Ethics of the American Podiatric Medical Association; 45 SDR 44, September 24, 2018.
10-19-2018	Department of Social Services: Amend rules to update terminology and other language to align with current practice and provide clarification; update citations; add categories of eligible providers for mental health services; clarify coverage for collateral contacts for mental health services; add child development to required orientation training for child care providers; establish a single method for the valuation of life estates for the Medicaid program; repeal duplicate rules; incorporate the reauthorized child care services block grant requirements into rule; replace annual submission of ICAPs within the CHOICES Medicaid waiver program with an ICAP submission requirement upon initiation of services as

	individual's needs change and every three years; and clarify annual redetermination requirements for the CHOICES waiver; 45 SDR 49, October 1, 2018.
10-22-2018	Department of Health: Amend rules to add newly emerging communicable diseases with public health impact to the Category II reportable diseases and condition list and clarify the methods of reporting; 45 SDR 48, October 1, 2018.
10-23-2018	Department of Health: South Dakota Board of Pharmacy: Amend rules to provide for an organized way of handling complaints and discipline for the Board of Pharmacy; 45 SDR 43, September 24, 2018.
10-23-2018	Department of Labor and Regulation: South Dakota Board of Accountancy: Amend rules to update references; add language to waive certain requirements; update definitions, program measurements, criteria and standards for continuing professional education; and repeal rules regarding the South Dakota peer review program; 45 SDR 55, October 9, 2018.
10-23-2018	Department of Labor and Regulation: South Dakota Board of Massage Therapy: Amend rules to increase annual fees from \$45 to \$65 per year and the initial license fee from \$75 to \$100 on massage therapists in South Dakota; 45 SDR 56, October 9, 2018.
10-25-2018	Department of Transportation: Amend rules to reduce the speed limit from 65 miles per hour to 55 miles per hour on State Trunk Highway 50 in and around Tabor; 45 SDR 48, October 1, 2018.
10-29-2018	Bureau of Human Resources: Civil Service Commission: Amend rules to list the probationary period in terms of months employed, not hours, and detail the application of a promotional salary increase during the probationary period; 45 SDR 48, October 1, 2018.
11-1-2018	Department of Agriculture: South Dakota Animal Industry Board: Amend rules to update definitions to more accurately reflect current terminology and modernize language of reference material; consolidate animal identification rules into one chapter; eliminate redundant language which is already outlined in national program guidance for disease control; update current language of reference material; allow for recognition of other state agency inspections already conducted on meat establishments; eliminate brucellosis test requirements for imported cervids and update identification language to align with federal guidance; and clarify animals subject to official testing require identification and responsibility for payment; 45 SDR 55, October 9, 2018.
11-1-2018	Department of Revenue: Amend rules to repeal obsolete rules; include language referencing electronic licensure capabilities; clarify that the on-line requirements exception pertains to manufactured home dealers; remove a reference to a department title process that was discontinued based on statutory requirements; increase a title fee to conform with the statutory increase; eliminate outdated practices and redundant rules; conform with changes in statute and comply with style and form guidelines; require title applicants to submit related federal licensure material; and combine or replace related provisions and repeal redundant chapters; 45 SDR 56, October 9, 2018.
11-7-2018	Office of the Attorney General: Law Enforcement Officers Standards and Training Commission: Amend rules to authorize individuals to receive a license as a polygraph examiner by completing a course of study at a school certified by the American Association of Police Polygraphists; 45 SDR 56, October 9, 2018.

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2018 Interim is November 20, 2018, at 10:00 a.m. in Room 414 of the State Capitol.

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>.