

# REGISTER



## South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., April 8, 2013

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**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Bureau of Administration:** (April 4, 2013) intends to amend rules to remove the requirement that the newspapers used by the Department of Transportation to publish notice of sale of property described in § 10:02:01:03 be daily newspapers, update obsolete references to standards and practices to be followed when using micrographics for long term storage of records, and to clarify when an original document may be destroyed after being reproduced by processes that will form a durable medium. The general authority for these rules, as cited by the bureau, is SDCL §§ 1-27-11.1, 1-27-16, and 31-2-27.

A public hearing will be held in Conference Room #3, Kneip Building, First Floor, 700 Governor's Drive, Pierre, South Dakota, on May 3, 2013, at 11:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Bureau of Administration, 500 East Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by May 17, 2013, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3688 at least 48 hours before the hearing.

**Department of Labor and Regulation: Division of Labor and Management:** (April 5, 2013) is proposing to amend rules to revise the workers compensation fee schedule. The general authority for these rules, as cited by the department, is SDCL § 62-7-8.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on May 9, 2013, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Labor and Regulation, Division of Labor and Management, 700 Governors Drive, Pierre, South Dakota 57501-2291. The text of the proposed rules is posted on the department's website:

<http://dlr.sd.gov/workerscomp/proposedadmrules.aspx>. A copy of the rules may also be obtained by emailing [james.marsh@state.sd.us](mailto:james.marsh@state.sd.us). Material sent by mail must be received by May 9, 2013, to be considered. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-3681 at least 48 hours before the hearing.

**Department of Health: Division of Health and Medical Services:** (April 5, 2013) intends to amend rules to add babesiosis and carbapenem-resistant *Enterobacteriaceae* to the reportable disease list, replace outdated language with current usage, and other minor house-keeping updates. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-22-9, 34-22-12, and 34-23-13.

A public hearing will be held in the State Health Lab Building, 615 East 4<sup>th</sup> Street, Pierre, South Dakota, on May 2, 2013, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website: <http://doh.sd.gov/News>. Material sent by mail

must reach the department by May 12, 2013, 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) 773-3361 at least 48 hours before the hearing.

**Department of Health: Board of Examiners for Speech-Language Pathology:** (April 5, 2013) intends to adopt rules to establish guidelines for the licensure of Speech-Language Pathologists. The general authority for these rules, as cited by the board, is SDCL §§ 36-27-4, 36-37-6, 36-37-12, 36-37-14 and 36-37-21.

A public hearing will be held by Digital Dakota Network at the following locations: Pierre Cap B, Pierre, South Dakota; Rapid City TIE Dakota, Rapid City, South Dakota; Sioux Falls FADM 145, Sioux Falls, South Dakota; Spearfish BHSU, LIB 011, Spearfish, South Dakota; and Huron DOT, Huron, South Dakota on May 15, 2013, at 10:00 a.m. CT, 9:00 a.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Examiners of Speech-Language Pathology, 810 N. Main #298, Spearfish, SD 57783. Written comments must reach the board by May 10, 2013, 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) 642-1600 at least 48 hours before the hearing.

#### **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF MINERALS AND ENVIRONMENT:**  
74:12:02:19; 74:12:03:06, and 74:12:03:07.

History-Notice: 39 SDR 117, Dec. 17, 2012  
Hearing: January 17, 2013

Filed: April 2, 2013  
Effective: April 22, 2013

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:04:02:11, 41:04:02:12, 41:04:02:45; 41:05:02:68; 41:06:20:02.01; and 41:06:21:02.01.

History-Notice: 39 SDR 135, Feb. 4, 2013  
Hearing: March 7, 2013  
Filed: April 2, 2013  
Effective: April 22, 2013

**DEPARTMENT OF REVENUE: COMMISSION ON GAMING:** 20:18:12:01, 20:18:12.01:08.01, and 20:18:12.01:14.

History-Notice: 39 SDR 141, Feb. 19, 2013  
Hearing: March 14, 2013  
Filed: April 2, 2013  
Effective: April 22, 2013

#### **Executive Order:**

The Governor has signed **Executive Order 2013-04** dated April 3, 2013. This order rescinds in their entirety the following executive orders: 1961-June 20; 1961-September 21; 1962-April 26; 1963-March 20; 1963-May 3; 1963-August 26; 1963-October 14; 1965-01; 1965-04; 1965-05; 1968-01; 1969-01; 1969-03; 1970-01; 1970-02; 1970-04; 1970-05; 1970-06; 1970-10; 1971-01; 1971-02; 1971-04; 1971-07; 1971-15; 1971-19; 1972-04; 1972-05; 1973-04; 1973-07; 1973-16; 1973-20; 1975-02; 1975-06; 1977-03; 1978-03; 1978-08; 1978-10; 1978-17; 1978-21; 1979-14; 1980-07; 1980-18; 1980-27; 1980-28; 1980-32; 1981-03; 1981-09; 1983-08; 1983-15; 1984-03; 1985-12; 1987-05; 1987-18; 1987-23; 1988-14; 1989-10; 1989-19; 1991-07; 1991-14; 1991-15; 1991-16; 1992-03; 1992-04; 1992-06; 1992-12; 1993-10; 1993-15; 1995-17; 1995-19; 1996-04; 1996-12; 1996-21; 1997-10; 1997-12; 1997-17; 1999-01; 1999-08; 2000-04; 2000-05; 2000-09; 2002-01; 2002-05; 2002-07; 2002-10; 2003-01; 2003-04; 2003-12; 2005-15; 2006-05; 2006-07; 2007-04; 2007-08; 2007-10; 2007-11; 2007-13; 2007-15; 2007-18; 2007-20;

2008-02; 2008-04; 2008-07; 2008-10; 2009-02; 2009-04; 2009-07; 2009-11; 2010-01; 2010-05; 2010-07; 2010-11; 2010-12; 2010-13; 1020-21; 2010-22; 2010-23; 2010-24; 2010-25; 2010-26; 2010-28; 2011-05; 2011-12; 2011-17; 2011-19; and 2012-07.

Note: A copy of the rules may be obtained directly from the above agencies. 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**

4-11-2013	Agriculture: SD Weed and Pest Commission	Amend a rule to add white horehound to the local noxious weed and declared pest list; 39 SDR 147.
4-16-2013	Labor and Regulation: Division of Insurance	Amend rules to require equal compensation to producers in certain circumstances; delete provisions relative to refund calculations and to set forth rating standards for health issuers; establish standards for plans filing access plans; establish standards for the sale of individual health insurance outside of an exchange; establish standards for the sale of employer based health insurance; repeal rules relative to small employer health insurance; set standards for coverage of preventive services; set standards for qualified health plans; and set standards for essential health benefits; 39 SDR 153.
4-23-2013	Agriculture: Animal Industry Board	Amend rules to allow for the use of a blood test to detect bovine tuberculosis in elk, red deer, white-tailed deer, fallow deer and reindeer and change and update current dates of reference material; 39 SDR 159.
5-2-2013	Health: Division of Health and Medical Services	Amend rules to add babesiosis and carbapenem-resistant <i>Enterobacteriaceae</i> to the reportable disease list, replace outdated language with current usage, and other minor house-keeping updates; 39 SDR 167.
5-3-2013	Bureau of Administration	amend rules to remove the requirement that the newspapers used by the Department of Transportation to publish notice of sale of property described in § 10:02:01:03 be daily newspapers, update obsolete references to standards and practices to be followed when using micrographics for long term storage of records, and to clarify when an original document may be destroyed after being

		reproduced by processes that will form a durable medium; 39 SDR 167.
5-9-2013	Labor and Regulation: Division of Labor and Management	Amend rules to revise the workers compensation fee schedule; 39 SDR 167.
5-15-2013	Health: Board of Examiners for Speech-Language Pathology	Adopt rules to establish guidelines for the licensure of Speech-Language Pathologists; 39 SDR 168.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Monday, May 20, 2013, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: June 4, July 9, August 20, September 17, November 12, and December 17.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.