# REGISTER

## South Dakota Legislative Research Council

*Volume 39* *Monday, 8:00 a.m., April 29, 2013*

**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 Board of Accountancy:*** (April 22, 2013) intends to amend rules to update references and specify the new firm fee structure. The general authority for these rules, as cited by the board, is SDCL § 36-20B-12.

A public hearing will be held in the Conference Room of the Department of Legislative Audit, 427 S. Chapelle, Pierre, South Dakota, on May 13, 2013, at 10:00 a.m. (CDT). Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Accountancy, 301 E. 14th Street, Suite 200, Sioux Falls, South Dakota 57104. Material sent by mail must reach the Board of Accountancy office on or before May 7, 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) 367-5770 at least 48 hours before the hearing.

***Department of Environment and Natural Resources: Board of Minerals and Environment:*** (April 22, 2013) intends to amend Air Pollution Control Program rules to adopt revisions to federal regulations and to revise certain obsolete and unnecessary statutes and rules. The general authority for these rules, as cited by the board, is SDCL §§ 34A-1-6, 34A-1-12, 34A-1-15, 34A-1-18, 34A-1-19, and 34A-1-21.

A public hearing will be held via the Digital Dakota Network on May 16, 2013, at 1:00 p.m. CT, at the following locations: Pierre (Capitol Building), 500 E. Capitol Avenue, Room B12, Studio A; Rapid City (SDSM&T), 501 E. St. Joseph St., Classroom Building, Room 109; Sioux Falls (University Center), 4801 N. Career Ave., Room FADM 145; Watertown (Lake Area Technical Institute) 230 NE 11th St., Main Building, Room 125; Aberdeen (Northern State University) 1200 S. Jay St., Beulah Williams Library, Room 117; Vermillion (University of South Dakota), 414 East Clark, Delzell Education Center, Room 203; Madison (Dakota State University), 820 N. Washington, Tech Classroom Building, Room 103; and Spearfish (Black Hills State University), 1200 University Street, E.Y. Library, Room LIB011. Copies of the proposed rules may be obtained from and written comments sent to Marlys Heidt, Engineer III, Department of Environment and Natural Resources, 523 East Capitol Avenue, Joe Foss Building, Pierre, South Dakota 57501 or by calling (605) 773-3151. Material sent by mail must reach the Department by close of business on May 15, 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) 773-3151 at least 48 hours before the public hearing.

***Governor's Office of Economic Development: Board of Economic Development:*** (April 22, 2013) intends to adopt rules to implement and allow for payments under the Reinvestment Payment Program; implement and allow for payments under the Economic Development Partnership Program; implement and allow for payments under the Local Infrastructure

Improvement Grant Program; and implement and allow for payments under the South Dakota Jobs Grant Program. The general authority for these rules, as cited by the office, is SDCL §§ 1-16G-1.1, 1-16G-5, 1-16G-8, 1-16G-48, 1-16G-50, 1-16G-51, 1-16G-52, 1-16G-53, 1-16G-54, 1-16G-55, 1-16G-56, 1-16G-57, 1-16G-58, 1-16G-59, 1-16G-60, 1-16G-61, 1-16G-62, 1-16G-63, 1-16G-64, and 1-16G-67.

A public hearing will be held at the Governor's Office of Economic Development, Conference Room, 711 E. Wells Avenue, Pierre, South Dakota, on May 13, 2013, at 1:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Governor's Office of Economic Development, 711 East Wells Avenue, Pierre, South Dakota 57501. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the public hearing in Pierre or at the GOED Office at the Business & Technology Center, 2329 N. Career Avenue, in Sioux Falls, South Dakota. Written comments must be received 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 department can make arrangements are asked to call (605) 773-5652 at least 48 hours before the hearing.

***Department of Social Services: Divisions of Economic Assistance and Medical Services:*** (April 24, 2013) intends to amend rules to update references to accurately identify the Department of Labor and Regulation, remove outdated references, remove specific dollar amounts for allowances and benefits, repeal obsolete provisions, update chapters to which the cpt 2103, Physicians' Current Procedural Terminology applies, and allow annual billing for certain services provided by chiropractic providers. The general authority for these rules, as cited by the department, is SDCL §§ 28-6-1, 28-7A-3, 28-7A-10, 28-7A-11, and 28-12-1.

A public hearing will be held in the Kneip Conference Room 2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 14, 2013, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by May 24, 2013, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

***Department of Social Services: Division of Child Care Services:*** (April 24, 2013) intends to amend rules to combine material related to group family day care homes and licensed day care programs into one chapter, repeal obsolete and unnecessary provisions, update terminology, internal references, and definitions, outline the qualifications for substitute providers, specify that helpers must complete CPR training before being left alone to supervise children, specify water temperature requirements for licensed homes/facilities, remove specific temperature requirements, update discipline principles, clarify railing and barrier standards, abbreviate cleaning/sanitizing, food supply, hand washing and garbage/refuse requirements, clarify orientation and training topics and standards, specify fire drill requirements for before and after school care programs, adjust egress window standards, specify additional requirements for medication administration, outline scope of services for child care programs, update requirements and standards for family day care homes, licensed day care programs, and before and after school care programs. The general authority for these rules, as cited by the department, is

SDCL § 26-6-16.

A public hearing will be held in the Kneip Conference Room 2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 14, 2013, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by May 24, 2013, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

***Department of Social Services: Division of Child Protection Services:*** (April 24, 2013) intends to amend rules to remove all material related to child care services, repeal obsolete and unnecessary provisions, update terminology and definitions, update internal references, specify water temperature requirements for licensed homes/facilities, require carbon monoxide detectors in foster homes, update discipline principles for foster parents, clarify railing and barrier standards in foster homes, specify the length of stay allowed in a shelter care facility, outline orientation and training topics and standards, adjust training hour requirements, update physical examination requirements for children in care, allow certain licensed social work associates to provide face-to-face assessments, outline emergency safety intervention standards, adjust written care plan timeline requirements for child placement agencies, update requirements and standards for family foster homes, group care centers for minors, residential treatment centers, child placement agencies, independent living preparation programs, and intensive residential treatment centers. The general authority for these rules, as cited by the department, is SDCL §§ 26-6-14, 26-6-14.3, 26-6-16, and 28-1-39.

A public hearing will be held in the Kneip Conference Room 2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 14, 2013, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by May 24, 2013, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

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

**Executive Appointments:**

**Nancy J. Allard**, Pierre, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately.

**Phyllis M. Arends**, Sioux Falls, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2014.

**David S. Bonde**, Fort Pierre, was appointed on April 5, 2013, to the **South Dakota Real Estate Commission**, to replace Dennis Eisnach, effective immediately and shall continue until April 11, 2014.

**Vickie M. Claymore**, Aberdeen, was appointed on April 5, 2013, to the **Behavioral Health**

**Advisory Council**, effective immediately.

**Daniele L. Dosch**, Rapid City, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2016.

**LeLewis Gipp**, Aberdeen, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2016.

**DeWayne A. Glassgow**, New Underwood, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2015.

**Bernie R. Grimme**, Pierre, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately.

**Doug J. Herrmann**, Rapid City, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately.

**Amy Iverson-Pollreisz**, Pierre, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately.

**Patricia R. Johnson-Riibe**, Yankton, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2014.

**Robert J. Kean**, Pierre, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately.

**Lois Knoke**, Huron, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2014.

**Susan N. Kornder**, Aberdeen, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2014.

**Kori L. Kromminga**, Sioux Falls, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2015.

**Ann M. Larsen**, Pierre, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately.

**Kim M. Maskell**, Spearfish, was appointed on April 5, 2013, to the **Cosmetology Commission**, to replace Kory McKay, effective April 15, 2013, and shall continue until April 14, 2016.

**Belinda K. Nelson**, Huron, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2015.

**Roseann Peterson-Olson**, Arlington, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2015.

**Lorraine M. Polak**, Pierre, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately.

**Carol A. Regier**, Canton, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2014.

**Susan R. Sandgren**, Lemmon, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2016.

**Gregory L. Sands**, Sioux Falls, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2014.

**Mark W. Wahlstrom**, Sioux Falls, was reappointed on April 5, 2013, to the **South Dakota Real Estate Commission**, effective immediately and shall continue until April 11, 2016.

**Ellen C. Washenberger**, Aberdeen, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2015.

**Sheila Weber**, Sioux Falls, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2016.

**Sara J. Weishaar**, Bison, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2015.

**Jane York**, Yankton, was appointed on April 5, 2013, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2016.

**Linda M. Zeller**, Pierre, was reappointed on April 5, 2013, to the **Board of Massage Therapy**, effective immediately and shall continue until October 30, 2015.

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

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| 5-2-2013 | Health: Division of Health and Medical Services | 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; 39 SDR 167. |
| 5-2-2013 | Game, Fish and Parks | Amend a rule regarding Camping permits and Rules to eliminate the $2.00 differential in camping fees during cold weather periods when restroom and shower facilities are closed; 39 SDR 171. |
| 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. |

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| 5-13-2013 | Labor and Regulation: Division of Insurance | Amend rules to update the general authority; repeal rules; update the website listed; update the sources referenced; and change the name of a reference; 39 SDR 175. |
| 5-13-2013 | Labor and Regulation: South Dakota Board of Accountancy | Amend rules to update references and specify the new firm fee structure; 39 SDR 179. |
| 5-13-2013 | Governor's Office of Economic Development: Board of Economic Development | Adopt rules to implement and allow for payments under the Reinvestment Payment Program; implement and allow for payments under the Economic Development Partnership Program; implement and allow for payments under the Local Infrastructure Improvement Grant Program; and implement and allow for payments under the South Dakota Jobs Grant Program; 39 SDR 179. |
| 5-14-2013 | Social Services: Divisions of Economic Assistance and Medical Services | Amend rules to update references to accurately identify the Department of Labor and Regulation, remove outdated references, remove specific dollar amounts for allowances and benefits, repeal obsolete provisions, update chapters to which the cpt 2103, Physicians' Current Procedural Terminology applies, and allow annual billing for certain services provided by chiropractic providers; 39 SDR 180. |
| 5-14-2013 | Social Services: Division of Child Care Services | Amend rules to combine material related to group family day care homes and licensed day care programs into one chapter, repeal obsolete and unnecessary provisions, update terminology, internal references, and definitions, outline the qualifications for substitute providers, specify that helpers must complete CPR training before being left alone to supervise children, specify water temperature requirements for licensed homes/facilities, remove specific temperature requirements, update discipline principles, clarify railing and barrier standards, abbreviate cleaning/sanitizing, food supply, hand washing and garbage/refuse requirements, clarify orientation and training topics and standards, specify fire drill requirements for before and after school care programs, adjust egress window standards, specify additional requirements for medication administration, outline scope of services for child care programs, update requirements and standards for family day care homes, licensed day care |

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| | | programs, and before and after school care programs; 39 SDR 180. |
| 5-14-2013 | Social Services: Division of Child Protection Services | Amend rules to remove all material related to child care services, repeal obsolete and unnecessary provisions, update terminology and definitions, update internal references, specify water temperature requirements for licensed homes/facilities, require carbon monoxide detectors in foster homes, update discipline principles for foster parents, clarify railing and barrier standards in foster homes, specify the length of stay allowed in a shelter care facility, outline orientation and training topics and standards, adjust training hour requirements, update physical examination requirements for children in care, allow certain licensed social work associates to provide face-to-face assessments, outline emergency safety intervention standards, adjust written care plan timeline requirements for child placement agencies, update requirements and standards for family foster homes, group care centers for minors, residential treatment centers, child placement agencies, independent living preparation programs, and intensive residential treatment centers; 39 SDR 181. |
| 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. |
| 5-15-2013 | Revenue: South Dakota Lottery Commission | Amend Video Lottery Requirements rules to eliminate the bet to award ratio for video lottery game play and cap the maximum award allowed per bet at one thousand dollars; and provide definitions in rule for distributors, manufacturers, and operators; 39 SDR 175. |
| 5-16-2013 | Environment and Natural Resources: Board of Minerals and Environment | Amend Air Pollution Control Program rules to adopt revisions to federal regulations and to revise certain obsolete and unnecessary statutes and rules; 39 SDR 179. |
| 5-20-2013 | Education: Board of Education | Amend a rule to increase fees for teachers who apply for initial or for renewing a teacher certificate; 39 SDR 171. |

## 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***.

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