

# REGISTER



## South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., May 6, 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.)

**Secretary of State: Board of Finance:**

(April 30, 2013) intends to amend rules to require that a request for a moving allowance, including reimbursement of travel expenses, be submitted to the board for approval or disapproval before a moving allowance is authorized. The general authority for these rules, as cited by the board, is SDCL §§ 3-9-1, 3-9-2, 3-9-9, and 3-9-11.

A public hearing will be held in Legislative Conference Room 2, 3<sup>rd</sup> floor, State Capitol, Pierre, South Dakota, on May 21, 2013, at 2:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Board of Finance, c/o Secretary of State, Room 204, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by May 20, 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) 773-3537 at least 48 hours before the hearing.

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

**Executive Appointments:**

**Vivian B. Asmussen**, Pierre, was reappointed on April 24, 2013, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2017.

**Rudolph A. Gerstner**, Yankton, was reappointed on April 24, 2013, to the **Petroleum Release Compensation Board**, effective immediately and shall continue until May 1, 2018.

**Everett E. Hoyt**, Rapid City, was reappointed on April 24, 2013, to the **Water Management Board**, effective immediately and shall continue until June 30, 2017.

**Gene L. Jones, Jr.**, Sioux Falls, was reappointed on April 24, 2013, to the **Board of Water and Natural Resources**, effective immediately and shall continue until June 30, 2017.

**Dennis P. Landguth**, Rapid City, was reappointed on April 24, 2013, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, 2017.

**Bridget J. Myers**, Sioux Falls, was appointed on April 24, 2013, to the **Board of Massage Therapy**, to replace Twyla Fritz, effective immediately and shall continue until October 30, 2013.

**David L. Volk**, Sioux Falls, was reappointed on April 24, 2013, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2017.

**Lucas Lentsch**, Pierre, was appointed on April 26, 2013, to the position of **Secretary of the Department of Agriculture**, effective April 29, 2013, and shall serve at the pleasure of the Governor.

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

5-9-2013	Labor and Regulation: Division of Labor and Management	Amend rules to revise the workers compensation fee schedule; 39 SDR 167.
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 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.
5-21-2013	Secretary of State: Board of Finance	Amend rules to require that a request for a moving allowance, including reimbursement of travel expenses, be submitted to the board for approval or disapproval before a moving allowance is authorized; 39 SDR 187.

### 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>.