

# REGISTER



## *South Dakota Legislative Research Council*

*Volume 40*

*Monday, 8:00 a.m., May 19, 2014*

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**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 Athletic Commission:*** (May 12, 2014) intends to adopt rules to establish the requirements for approval of a boxing, kickboxing or mixed martial arts contest; prohibit certain types of contests; establish requirements for bout contracts; establish safety requirements for contests; establish the grounds for denial of an application for registration or licensure under Article 20:81; establish drug and pregnancy testing requirements for contestants; recognize medical, administrative or disciplinary actions of other jurisdictions; establish disciplinary action for infractions of SDCL 42-12 and Article 20:81; set the schedule of fees for registration or licensure of contestants, contests, and parties involved in contests; set the fee for the review of a request for exemption of an amateur organization or educational institution for certain provisions of SDCL 42-12 and Article 20:81; set the requirements for registration or licensure of all contestants, contests and parties involved in contests; set the minimum requirements for boxers, contests, scoring, and rings, participating in or used in a boxing contest; establish a list of prohibited drugs, stimulants and nonprescription preparations; provide for an automatic suspension of contestants following a contest; adopt rules for amateur boxing contests; set the minimum requirements for mixed martial artists, contests, scoring, and rings, participating in or used in a mixed martial arts contest; establish a list of prohibited drugs, stimulants and nonprescription preparations; provide for an automatic suspension of contestants following a

contest; adopt rules for amateur mixed martial arts contests; adopt the World Kickboxing and Karate Association's rules of competition for all kickboxing events; establish requirements for tickets sold for a boxing, kickboxing or mixed martial arts contest; define gross revenue from a contest for purposes of determining the contest fee; establish the financial records required to be maintained and submitted to the Commission; establish the criteria the Commission will use to recognize amateur organizations and educational institutions for exemptions from the provisions of SDCL 42-12 and Article 20:81; and establish the process by which the Commission will receive, investigate and handle complaints for infractions of SDCL 42-12 and Article 20:81. The general authority for these rules, as cited by the board, is SDCL § 42-12-10.

A public hearing will be held in the Conference Room #3, Kneip Building, 700 Governors Drive, Pierre, South Dakota, on June 12, 2014, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Athletic Commission, 1351 N. Harrison Avenue, P.O. Box 340, Pierre, South Dakota 57501. Material sent by mail must reach the Athletic Commission by June 22, 2014, to be considered. Copies of the proposed rules may also be obtained at the commission's website at <http://www.dlr.sd.gov/bdcomm/athletic/> or by emailing [sdac@midwestsolutionssd.com](mailto:sdac@midwestsolutionssd.com). 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) 224-1721 at least 48 hours before the hearing.

***Department of Game, Fish and Parks:***

(May 13, 2014) intends to adopt an Application for License rule to require all deer hunters possessing an archery, muzzleloader, youth or mentor deer license to obtain a free access permit to hunt on the Hill Ranch Game Production Area (Unit 27L), Custer National Forest (Unit 35L), and Little Moreau Game Production Area (Unit 24B); amend Archery Restrictions rules to eliminate existing archery equipment restrictions which prohibit a person hunting with a bow and arrow from using or possessing (a) barbed points except for taking fish and frogs, (b) bolts or darts, (c) mechanical broadheads while hunting elk, (d) mechanical broadheads with a cutting diameter greater than two inches, (e) electronically lighted sight pins, (f) broadheads with a diameter at least 7/8 inch wide, and except for turkey hunting, be at least as long as it is wide, and (g) blunt points less than 9/16 inch wide to hunt turkey; and provide exceptions to the general prohibition against using electronic devices mounted to a bow by allowing use of cameras, video cameras or cell phones used exclusively for photographic purposes, lighted sight pins and illuminated arrow nocks; prohibit a person hunting with a bow and arrow from using or possessing any of the following: (a) electronic string releases, (b) compound bows shorter than 28 inches as measured from the top of the upper wheel or cam to the bottom of the lower wheel or cam, (c) an arrow, including the attached broadhead, weighing less than 275 grains when hunting big game animals, (d) an arrow that is less than 26 inches long when measured from the notch of the nock to the end of the shaft, not including the blunt or broadhead, (e) an arrow without a broadhead (fixed or mechanical) that has at least two metal cutting edges, except blunt points may be used when hunting turkeys, and (f) a bow that measures less than 40 pounds pull when hunting elk or a bow that measures less than 30 pounds pull when hunting all other big game animals; and repeal ARSD § 41:06:05:02; amend a Waterfowl Hunting Seasons (Goose Hunting Season – August Management Take) rule to modify the season dates to run from the

third Saturday of August to August 31; amend a Black Hills Deer Hunting Season rule to establish the number and types of licenses offered this year to none and eliminate Unit BHD-ZZ1; amend a West River Prairie Deer Season rule to establish the number and types of resident and nonresident licenses/tags available; eliminate Unit 53L (limited access unit) and include it in Unit 53A (Perkins North), and eliminate Units WRD-ZZ1 and WSD-ZZ1; amend East River Deer Hunting Season rules to establish the number and types of licenses available and eliminate Units ERD-ZZ1 and ESD-ZZ1; amend Archery Deer Hunting Season rules to change unlimited "any antlerless deer" licenses to unlimited "antlerless whitetail deer" licenses; for Unit ARD-LM1, "antlerless whitetail deer" licenses would not be valid in the following deer hunting units: BH1, 01A, 02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A, 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 39B, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A; remove from the list of "restricted areas" that portion of Union County north of the Missouri River, west of Interstate 29, south of Union County Road 23, and east of the west boundary of the Adams Homestead and Nature Preserve; reduce the number of "any deer" archery access permits for the Adams Homestead and Nature Preserve; eliminate Unit ARD-LM2; provide that no person may apply for and receive more than 3 archery deer licenses of which only one can be an "antlerless whitetail deer" license; and change the season end date from January 15 to December 31 for Sand Lake National Wildlife Refuge; amend National Wildlife Refuge Deer Hunting Season rules to change "any whitetail deer" licenses to "any deer" licenses and offer no "antlerless deer" licenses for LaCreek National Wildlife Refuge; set the number of resident and nonresident "any deer" licenses for Waubay National Wildlife Refuge; and eliminate Unit RFD-ZZ1; amend a Youth Deer Hunting Season rule to eliminate Unit YOD-LMS and limit youth deer hunters to one single

tag "any antlerless deer" license; amend General Muzzleloading Deer Hunting Season rules to change unlimited "any antlerless deer" licenses to unlimited "antlerless whitetail deer" licenses; for Unit MZD-LM1, "antlerless whitetail deer" licenses would not be valid in the following deer hunting units: BH1, 01A, 02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A, 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 39B, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A; eliminate Units MZD-LM2 and MZD-ZZ1; and provide that no person may apply for and receive more than 2 muzzleloader deer licenses of which only one can be an "antlerless whitetail deer" license; and amend Trapping Prohibitions rules to prohibit the use of live mammals or live birds to aid in the taking of furbearers, predators and varmints via traps and snares; and require all trapping equipment including traps and snares (set and unset), stakes, cables, chains, wires, or other devices used for the purpose of attaching a trap or snare, to be removed from public lands and public road rights-of-way prior to May 1. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, 41-8-20, and 41-11-5.

A public hearing will be held at the Lewis and Clark Resort, 43496 Shore Drive, Yankton, South Dakota, on June 5, 2014, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to [Wildinfo@state.sd.us](mailto:Wildinfo@state.sd.us). All written and email comments must include the commenter's name, home town/city and state. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) before the hearing.

***Department of Health: Board of Nursing:*** (May 16, 2014) intends to amend rules to update the definition section to include certified registered nurse anesthetist and clinical nursing specialist in the definition of licensee; update the references to the American Nurses Association Nursing Scope and Standards of Practice and Guide to the Code of Ethics for Nurses: Interpretation and Application for registered nurses and the National Association of Practical Nurse Education and Service's Standards of Practice and Educational Competencies of Graduates of Practical/Vocational Nursing Programs; repeal the course outline and criteria for approval of a course for the preparation of licensed practical nurses for kidney dialysis functions and grants authority for licensed practical nurses to perform kidney dialysis functions if a course is completed that includes required content; include the delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel in accordance with a required protocol; require registration for individuals trained to perform insulin administration, for individuals that have completed a 20 hour medication administration training program and for dialysis technicians; remove certification language from the rules for certified registered nurses anesthetists and replace it with licensure; change the Nurse Education Loan Assistance Program to a scholarship program; and change the number of days that a nurse may practice on a former home state license when changing primary residence from 30 to 90 days. The general authority for this rule, as cited by the board, is SDCL §§ 13-33A-2, 36-9-4.1, 36-9-21, 36-9-76, 36-9-86, and 36-9-92.

A public hearing will be held in the conference room at the South Dakota Board of Nursing Office, 4305 S. Louise Ave., Suite 201, Sioux

Falls, South Dakota, on June 12, 2014, at 11:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Board of Nursing, 4305 South Louise Avenue, Suite 201, Sioux Falls, South Dakota 57106, or by calling (605) 362-2760. Written comments must be received by June 10, 2014, to be considered. Persons who have special needs for which the board can make arrangements are asked to call (605) 362-2760 before the public hearing.

## NOTICES:

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning reimbursement for inpatient hospital services in State Fiscal Year 2015 effective July 1, 2014. The proposed State Plan Amendment (SPA) removes obsolete language pertaining to inpatient hospital reimbursement in State Fiscal Year 2014 and replaces it with language to implement State Fiscal Year 2015 legislative appropriations. The proposed amendment revises pages 1 and 2 of Attachment 4.19-A of the South Dakota Medicaid State Plan. The Department estimates the federal fiscal impact associated with this SPA to be \$480,621.00 in Federal Fiscal Year 2014 and \$1,441,863.00 in Federal Fiscal Year 2015. Written requests for a copy of these changes, and corresponding comments, may be sent to Kirby Stone, State Medicaid Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning reimbursement for outpatient hospital services in State Fiscal Year 2015 effective July 1, 2014. The proposed State Plan Amendment (SPA) removes obsolete language pertaining to outpatient hospital reimbursement in State Fiscal Year 2014 and replaces it with language to implement State Fiscal Year 2015 legislative appropriations. The

proposed amendment revises page 1b of Attachment 4.19-B of the South Dakota Medicaid State Plan. The Department estimates the federal fiscal impact associated with this SPA to be \$187,504.50 in Federal Fiscal Year 2014 and \$562,513.50 in Federal Fiscal Year 2015. Written requests for a copy of these changes, and corresponding comments, may be sent to Kirby Stone, State Medicaid Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **South Dakota Lottery** is ending instant ticket game numbers 471 – Smokin’ Hot Cash, 459 – Slingo Gold, and 468 – Extreme Green. The last day that prizes will be paid for these games is November 7, 2014.

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

**DEPARTMENT OF EDUCATION: BOARD OF EDUCATION:** 24:05:13:01; 24:05:23:04, 24:05:23:05; 24:15:03:08; 24:15:06:37; 24:53:01:01, and 24:53:09:04.

History-Notice: 40 SDR 149, Feb. 18, 2014  
Hearing: March 24, 2014  
Filed: May 12, 2014  
Effective: June 2, 2014

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**

6-5-2014	Game, Fish and Parks	<p>Adopt an Application for License rule to require all deer hunters possessing an archery, muzzleloader, youth or mentor deer license to obtain a free access permit to hunt on the Hill Ranch Game Production Area (Unit 27L), Custer National Forest (Unit 35L), and Little Moreau Game Production Area (Unit 24B); amend Archery Restrictions rules to eliminate existing archery equipment restrictions which prohibit a person hunting with a bow and arrow from using or possessing (a) barbed points except for taking fish and frogs, (b) bolts or darts, (c) mechanical broadheads while hunting elk, (d) mechanical broadheads with a cutting diameter greater than two inches, (e) electronically lighted sight pins, (f) broadheads with a diameter at least 7/8 inch wide, and except for turkey hunting, be at least as long as it is wide, and (g) blunt points less than 9/16 inch wide to hunt turkey; and provide exceptions to the general prohibition against using electronic devices mounted to a bow by allowing use of cameras, video cameras or cell phones used exclusively for photographic purposes, lighted sight pins and illuminated arrow nocks; prohibit a person hunting with a bow and arrow from using or possessing any of the following: (a) electronic string releases, (b) compound bows shorter than 28 inches as measured from the top of the upper wheel or cam to the bottom of the lower wheel or cam, (c) an arrow, including the attached broadhead, weighing less than 275 grains when hunting big game animals, (d) an arrow that is less than 26 inches long when measured from the notch of the nock to the end of the shaft, not including the blunt or broadhead, (e) an arrow without a broadhead (fixed or mechanical) that has at least two metal cutting edges, except blunt points may be used when hunting turkeys, and (f) a bow that measures less than 40 pounds pull when hunting elk or a bow that measures less than 30 pounds pull when hunting all other big game animals; and repeal ARSD § 41:06:05:02; amend a Waterfowl</p>
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	<p>Hunting Seasons (Goose Hunting Season – August Management Take) rule to modify the season dates to run from the third Saturday of August to August 31; amend a Black Hills Deer Hunting Season rule to establish the number and types of licenses offered this year to none and eliminate Unit BHD-ZZ1; amend a West River Prairie Deer Season rule to establish the number and types of resident and nonresident licenses/tags available; eliminate Unit 53L (limited access unit) and include it in Unit 53A (Perkins North); and eliminate Units WRD-ZZ1 and WSD-ZZ1; amend East River Deer Hunting Season rules to establish the number and types of licenses available and eliminate Units ERD-ZZ1 and ESD-ZZ1; amend Archery Deer Hunting Season rules to change unlimited "any antlerless deer" licenses to unlimited "antlerless whitetail deer" licenses; for Unit ARD-LM1, "antlerless whitetail deer" licenses would not be valid in the following deer hunting units: BH1, 01A, 02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A, 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 39B, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A; remove from the list of "restricted areas" that portion of Union County north of the Missouri River, west of Interstate 29, south of Union County Road 23, and east of the west boundary of the Adams Homestead and Nature Preserve; reduce the number of "any deer" archery access permits for the Adams Homestead and Nature Preserve; eliminate Unit ARD-LM2; provide that no person may apply for and receive more than 3 archery deer licenses of which only one can be an "antlerless whitetail deer" license; and change the season end date from January 15 to December 31 for Sand Lake National Wildlife Refuge; amend National Wildlife Refuge Deer Hunting Season rules to change "any whitetail deer" licenses to "any deer" licenses and offer no "antlerless deer" licenses for LaCreek National Wildlife Refuge; set the number of resident and nonresident "any deer" licenses for Waubay National Wildlife Refuge;</p>
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		<p>and eliminate Unit RFD-ZZ1; amend a Youth Deer Hunting Season rule to eliminate Unit YOD-LMS and limit youth deer hunters to one single tag "any antlerless deer" license; amend General Muzzleloading Deer Hunting Season rules to change unlimited "any antlerless deer" licenses to unlimited "antlerless whitetail deer" licenses; for Unit MZD-LM1, "antlerless whitetail deer" licenses would not be valid in the following deer hunting units: BH1, 01A, 02C, 05A, 06A, 07A, 08A, 11A, 11B, 12A, 17A, 18A, 19A, 20A, 21A, 21B, 27A, 27B, 27L, 22A, 23A, 25A, 29A, 32A, 34A, 35A, 35C, 35L, 37A, 39B, 43A, 44A, 45D, 49A, 49B, 46A, 48A, 52A, 53A, 55A, 61A, 62A, 64A, 65A, and 67A; eliminate Units MZD-LM2 and MZD-ZZ1; and provide that no person may apply for and receive more than 2 muzzleloader deer licenses of which only one can be an "antlerless whitetail deer" license; and amend Trapping Prohibitions rules to prohibit the use of live mammals or live birds to aid in the taking of furbearers, predators and varmints via traps and snares; and require all trapping equipment including traps and snares (set and unset), stakes, cables, chains, wires, or other devices used for the purpose of attaching a trap or snare, to be removed from public lands and public road rights-of-way prior to May 1; 40 SDR 200.</p>
6-12-2014	Labor and Regulation: SD Athletic Commission	<p>Adopt rules to establish the requirements for approval of a boxing, kickboxing or mixed martial arts contest; prohibit certain types of contests; establish requirements for bout contracts; establish safety requirements for contests; establish the grounds for denial of an application for registration or licensure under Article 20:81; establish drug and pregnancy testing requirements for contestants; recognize medical, administrative or disciplinary actions of other jurisdictions; establish disciplinary action for infractions of SDCL 42-12 and Article 20:81; set the schedule of fees for registration or licensure of contestants, contests, and parties involved in contests; set the fee for the review of a request for exemption of an amateur organization or educational institution for certain provisions of</p>

		<p>SDCL 42-12 and Article 20:81; set the requirements for registration or licensure of all contestants, contests and parties involved in contests; set the minimum requirements for boxers, contests, scoring, and rings, participating in or used in a boxing contest; establish a list of prohibited drugs, stimulants and nonprescription preparations; provide for an automatic suspension of contestants following a contest; adopt rules for amateur boxing contests; set the minimum requirements for mixed martial artists, contests, scoring, and rings, participating in or used in a mixed martial arts contest; establish a list of prohibited drugs, stimulants and nonprescription preparations; provide for an automatic suspension of contestants following a contest; adopt rules for amateur mixed martial arts contests; adopt the World Kickboxing and Karate Association's rules of competition for all kickboxing events; establish requirements for tickets sold for a boxing, kickboxing or mixed martial arts contest; define gross revenue from a contest for purposes of determining the contest fee; establish the financial records required to be maintained and submitted to the Commission; establish the criteria the Commission will use to recognize amateur organizations and educational institutions for exemptions from the provisions of SDCL 42-12 and Article 20:81; and establish the process by which the Commission will receive, investigate and handle complaints for infractions of SDCL 42-12 and Article 20:81; 40 SDR 199.</p>
6-12-2014	Health: Board of Nursing	<p>Amend rules to update the definition section to include certified registered nurse anesthetist and clinical nursing specialist in the definition of licensee; update the references to the American Nurses Association Nursing Scope and Standards of Practice and Guide to the Code of Ethics for Nurses: Interpretation and Application for registered nurses and the National Association of Practical Nurse Education and Service's Standards of Practice and Educational Competencies of Graduates of Practical/Vocational Nursing Programs; repeal</p>



		the course outline and criteria for approval of a course for the preparation of licensed practical nurses for kidney dialysis functions and grants authority for licensed practical nurses to perform kidney dialysis functions if a course is completed that includes required content; include the delegation of insulin administration by the subcutaneous route to unlicensed assistive personnel in accordance with a required protocol; require registration for individuals trained to perform insulin administration, for individuals that have completed a 20 hour medication administration training program and for dialysis technicians; remove certification language from the rules for certified registered nurses anesthetists and replace it with licensure; change the Nurse Education Loan Assistance Program to a scholarship program; and change the number of days that a nurse may practice on a former home state license when changing primary residence from 30 to 90 days; 40 SDR 201.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Tuesday, June 3, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: July 8, August 12, September 16, November 12, and December 16.

**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>.

