

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., July 11, 2016

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Social Services: (July 7, 2016) intends to amend Economic Assistance, Child Care Services, Medical Services, and Behavioral Health rules to update certain rules to reflect annual changes, update terminology to align with current practice, implement the Child Care and Development Block Grant Act requirements, repeal duplicative rules, and implement Medicaid coverage groups added by the 2016 legislative session. Article 46:05 Substance use disorders is re-written as Article 67:61 under the department. Article 46:20 Mental health is repealed and re-written as Article 67:62. The general authority for these rules, as cited by the department, is SDCL §§ 1-36-25, 25-4-45.3, 26-6-16, 27A-1-9, 27A-5-1, 28-1-50, 28-1-61, 28-6-1, 28-6-1.1, 28-6-3.1, 28-6-18, 28-6A-12, 28-7A-3, 28-7A-24, and 34-20A-27.

A public hearing will be held in the Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on August 1, 2016, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <http://rules.sd.gov>. Written comments must be received by August 11, 2016, 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. Written comments and testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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:

Robert Faehn, Watertown, was appointed on June 30, 2016, to the **South Dakota Lottery Commission**, to replace Roger Novotny, effective immediately and shall continue until January 1, 2018.

Joseph F. Kafka, Valley Springs, was appointed in June 30, 2016, to the **South Dakota Lottery Commission**, to replace Doyle Estes, effective immediately and shall continue until January 1, 2017.

Jill Thorngren, was appointed on June 30, 2016, to the **Critical Teaching Needs Scholarship Board**, to replace Thomas Hawley, effective immediately and shall continue until June 30, 2021.

Karen Wagner, Belle Fourche, was appointed on June 30, 2016, to the **South Dakota Commission on Gaming**, to replace Dennis Duncan, effective immediately and shall continue until April 14, 2019.

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

7-12-2016	Department of Agriculture: Animal Industry Board Amend rules to change and update current language of reference material; 42 SDR 181, June 20, 2016.
7-21-2016	Department of Labor and Regulation: State Plumbing Commission Amend rules to exempt Class 1 and above certified water and wastewater operators from the commission's sewer and water licensing requirements and update the Uniform Plumbing Code references to the 2015 edition; 42 SDR 185, June 27, 2016.
8-1-2016	Department of Revenue: Division of Motor Vehicles Amend rules to have the department conduct the inspection and identification functions of the replacement and assigned vehicle identification number (VIN) system, clarify where applicants need to apply for assigned or replacement VINs and that the department will be scheduling and conducting any required inspections, clarify where applicants need to apply for trailer identification numbers and that the department will inspect and attach the trailer identification number to any trailer weighting 3,000 pounds or more, clarify that the secondary VIN location will now be obtained by the department from the National Insurance Crime Bureau, clarify that the department is ordering, storing, and maintaining information regarding replacement and assigned VIN plates, change the application requirements for an assigned or replacement VIN plate and how the mutilated or damaged VIN plate is removed from the vehicle and returned to the department, clarify who is assigning the new VIN and attaching that VIN to the vehicle, repeal a rule that is no longer needed, clarify and make consistent the numbering system and application process for trailers, clarify that the department assigns VINs to newly constructed vehicles, and clarify that numbers will be affixed to all vehicles, including rebuilt, in the same manner; 43 SDR 1, July 5, 2016.
8-1-2016	Department of Social Services Amend Economic Assistance, Child Care Services, Medical Services, and Behavioral Health rules to update certain rules to reflect annual changes, update terminology to align with current practice, implement the Child Care and Development Block Grant Act requirements, repeal duplicative rules, and implement Medicaid coverage groups added by the 2016 legislative session. Article 46:05 Substance use disorders is re-written as Article 67:61 under the department. Article 46:20 Mental health is repealed and re written as Article 67:62; 43 SDR 5, July 11, 2016.
8-2-2016	Department of Public Safety Amend rules to update the adoptions of the National Institute of Standards and Technology (NIST), American Society of Testing and Materials (ASTM) and the International Building, Fire, and Mechanical Codes, update and revise references, require the use of certified test weights, allow NIST traceable field test standards for refined fuels and liquid petroleum gas, and repeal repetitive rules; 43 SDR 1, July 5, 2016.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Tuesday, July 12, 2016, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. The other DDN sites will be: Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145 and Spearfish – Black Hills State University, 1200 University Station, Room LIB 11. The committee chair has set the following meeting schedule for the 2016 Interim: August 22, September 26, and November 14.

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>.

