



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

Department of Environment and Natural Resources: (July 30, 2019) intends to amend rules to modify the requirements to take an Operator Certification exam and clarify the requirements to renew a certificate. The general authority for these rules, as cited by the department, is SDCL 34A-3-23 and 34A-3-24.

A public hearing will be held at the Floyd Matthew Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on September 10, 2019, at 1:30 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Environment and Natural Resources, Operator Certification Program, 523 East Capitol Avenue, Pierre, South Dakota 57501. The comment period will close on September 9, 2019. Copies of the rules are also available at <http://denr.sd.gov/des/dw/opcertqa.aspx>, by calling Rob Kittay at (605) 773-4208, or by faxing a request to (605) 773-5286. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-4208 at least 48 hours before the public hearing.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Final Administrative Rules

DEPARTMENT OF GAME, FISH AND PARKS: 41:10:04:06.

History/Notice: 46 SDR 14, July 22, 2019

Hearing: Emergency Rule

Filed: July 30, 2019

Effective: July 30, 2019

UNIFIED JUDICIAL SYSTEM

Supreme Court Special Rules Hearing

Special Rules Hearing No. 140: The South Dakota Supreme Court will consider petitions for amendments to existing South Dakota Codified Laws 15-6-45(b) regarding subpoenas for production of documentary evidence; 15-26A-75 regarding time for serving and filing briefs; and 19-19-502 regarding lawyer-client privilege. The Court will also consider the proposed adoption of a court rule concerning carrying a concealed pistol in the state capitol areas under the authority of the Supreme Court.

A public hearing will be held in the Courtroom of the Supreme Court, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota on August 26, 2019, at 10:00 a.m. CT. Any interested person may appear at the hearing and be heard, provided that all objections or proposed amendments are reduced to writing, and the original and ten copies are filed with the Clerk of the Supreme Court no later than August 13, 2019.

SCHEDULED PUBLIC HEARINGS

8-12-2019	<u>Department of Public Safety</u> : Amend rules to expand the 1 psi Reid Vapor Pressure waiver; adopt the 2019 edition of the Commercial Vehicle Safety Alliance handbook; expand the definition of immediate family for crime victims' compensation; and expand the service period for which victims of crime may be reimbursed for counseling services; 46 SDR 15, July 22, 2019.
8-13-2019	<u>Department of Social Services</u> : (July 15, 2019) intends to amend rules to move information to the department's website; update repealed citations and rule references; repeal duplicative rules and information; align with federal regulations; clarify coverage for incontinence items; update to the most recent version of coding manuals; clarify coverage for medically necessary services with no transportation provided by a ground ambulance; update medical record documentation and retention requirements; update third party liability claim requirements for prenatal care; clarify training costs are still covered for the equipment that previously had a bundled coding structure; update the list of psychology services providers in a school district setting to be consistent with eligible providers in the Mental Health Service by Independent Practitioners chapter; update primary care provider terminology, claim requirements, and program requirements; align medical services diagnostic assessment and treatment plan requirements with the Division of Behavioral Health rules; update rules related to federally qualified health centers and rural health clinics regarding definitions, covered services, and reimbursement methodology; allow early intervention for substance use disorders as a covered service; update citations to federal authority regarding program requirements; align substance use disorder rules with medical service rules to reference the department's fee schedule website for billing information; and clarify progress note requirements; 46 SDR 14, July 22, 2019.
8-13-2019	<u>Board of Elections (Office of the Secretary of State)</u> : Amend rules to update the voter registration form; revise the timeframe for the notice of deadline for filing primary nominating petitions; revise nominating petitions for partisan and independent candidates; clarify the process for county auditors to certify school board election results; clarify guidelines for accepting petitions and counting petition signatures; and update the petitions for statewide initiated measures, constitutional amendments, and referendums to include a circulator identification number with a delayed implementation date of July 1, 2020; 46 SDR 15, July 22, 2019.
8-14-2019	<u>Department of Agriculture</u> : (July 18, 2019) intends to amend rules to align South Dakota dairy regulations with federal regulations as determined by the FDA Milk Safety Branch and update references to the most current form; 46 SDR 14, July 22, 2019.
8-20-2019	<u>South Dakota Cosmetology Commission (Department of Labor and Regulation)</u> : (July 23, 2019) intends to amend rules to update and clarify safety and infection control rules; allow licensees to see the criteria for salon and booth inspections and what constitutes a failed inspection; formalize disciplinary proceedings into rule; clarify the high school graduation requirement for applicants; and reduce re-testing requirements for out-of-state applicants; 46 SDR 18, July 29, 2019.
8-26-2019	<u>Special Rules Hearing No. 140</u> : The South Dakota Supreme Court will consider petitions for amendments to existing South Dakota Codified Laws 15-6-45(b) regarding subpoenas for production of documentary evidence; 15-26A-75 regarding time for serving and filing briefs; and 19-19-502 regarding lawyer-client privilege. The Court will also consider the proposed adoption of a court rule concerning carrying a concealed pistol in the state capitol areas under the authority of the Supreme Court; 46 SDR 20, August 5, 2019.
9-10-2019	<u>Department of Environment and Natural Resources</u> : (July 30, 2019) intends to amend rules to modify the requirements to take an Operator Certification exam and clarify the requirements to renew a certificate; 46 SDR 20, August 5, 2019.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee is Monday, August 12, 2019, at 10:00 a.m. CT in Room 414 of the Capitol. Future meetings scheduled for the 2019 interim are scheduled for September 9 and November 4.

Notices of 2019 Rules Review Committee meetings will be provided in this publication, on the LRC website (<https://sdlegislature.gov/>), and at the Capitol.

The Administrative Rules Guide to Form and Style is available at <https://www.sdlegislature.gov/Rules/RulesManual.aspx>.