

# REGISTER



## South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., August 17, 2015

---

**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Attorney General: Law Enforcement Officers Standards and Training Commission:***

(August 11, 2015) intends to amend rules to prohibit temporary or probationary non-certified law enforcement officers from working in any enforcement capacities until they successfully complete the state firearms course and receive instruction from their agency on their agency's use of force or response to resistance policy; add an additional specific area of training that law enforcement officers must complete as part of their continuing education requirements; and allow physician's assistants and nurse practitioners to conduct examinations of 911 Telecommunicator applicants. The general authority for these rules, as cited by the commission, is SDCL §§ 23-3-35, 23-3-41, 23-3-42, 34-45-26, and 34-45-29.

A public hearing will be held at the George S. Mickelson Criminal Justice Center Commission Conference Room, 1302 E. Highway 14, Pierre, South Dakota, on August 26, 2015, at 11:00 a.m. CST. A copy of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments must be received by August 26, 2015, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3584 before the hearing.

***Department of Social Services:*** (August 11, 2015) intends to amend Economic Assistance,

Medical Services, and Adult Services and Aging rules to repeal unnecessary rules, update the Department's website, update coding from ICD-9 to ICD-10 to comply with federal regulations, update the guidelines for terminology and coding to the most recent versions available, update claim requirements and provide more information for providers and recipients via the Department's website. The general authority for these rules, as cited by the department, is SDCL §§ 28-1-45, 28-6-1, 28-6-1.1, and 42 U.S.C. § 1396d.

A public hearing will be held in the Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on September 4, 2015, at 11:00 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 September 8, 2015, 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 Labor and Regulation: Division of Securities:*** (August 14, 2015) is proposing to adopt a rule to allow the division to conduct a Fairness Hearing. The general authority for this rule, as cited by the division, is SDCL §§ 47-31B-202 and 47-31B-605.

A public hearing will be held in the East River Conference Room, 2<sup>nd</sup> floor, 124 S. Euclid Ave., Pierre, South Dakota, on September 4, 2015, at 10:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Division of Securities, 124 S. Euclid Ave., Suite 104, Pierre, South Dakota 57501-3185. Written comments must be received by September 4, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the division can make arrangements are asked to call (605) 773-4823 at least forty-eight hours before the hearing.

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

##### **Executive Appointments:**

**Marla Bull Bear**, Herrick, was appointed on August 7, 2015, to the **Independent Living Council**, to replace Matthew Cain, effective immediately and shall continue until June 30, 2018.

**Lyle Cook**, Eagle Butte, was reappointed on August 7, 2015, to the **Board of Service to the Blind and Visually Impaired**, effective immediately and shall continue until June 30, 2018.

**Curtis Everson**, Pierre, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**John S. Hemmingstad**, Elk Point, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Chuck Henrie**, Rapid City, was appointed on August 7, 2015, to the **Planning Council on Developmental Disabilities**, to replace Jolon Beck, effective immediately and shall continue until June 30, 2018.

**Donna M. Johnson**, Marion, was appointed on August 7, 2015, to the **South Dakota Advisory Panel for Children with Disabilities**, to replace Dr. Clayton Cooch, effective immediately.

**Vicky Kerkvliet**, Sioux Falls, was appointed on August 7, 2015, to the **Independent Living Council**, to replace Shelly Schock, effective immediately and shall continue until June 30, 2017.

**Lori Larson**, Rapid City, was appointed on August 7, 2015, to the **South Dakota Advisory Panel for Children with Disabilities**, effective immediately and shall continue until June 30, 2018.

**Dan K. Newell**, Sioux Falls, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Joel Rosenthal**, Sioux Falls, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Douglas J. Sharp**, Watertown, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Steven D. Stewart**, Ft. Pierre, was reappointed on August 7, 2015, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2018.

**Randall M. Stuefen**, Vermillion, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Everhardus Van Der Sluis**, Brookings, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Steven Zellmer**, Rapid City, was reappointed on August 7, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Susan Johnson**, Deadwood, was reappointed on August 10, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

**Daniel W. Noteboom**, Corsica, was reappointed on August 10, 2015, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2018.

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**

<p><b>8-20-2015</b></p>	<p><b>Department of Environment and Natural Resources: Board of Minerals and Environment</b> Amend Air Pollution Control Program rules to adopt revisions to federal regulations, clarify existing regulations, and streamline the existing air quality permitting process for specific types of operations; 42 SDR 13, July 27, 2015.</p>
<p><b>8-26-2015</b></p>	<p><b>Attorney General: Law Enforcement Officers Standards and Training Commission</b> Amend rules to prohibit temporary or probationary non-certified law enforcement officers from working in any enforcement capacities until they successfully complete the state firearms course and receive instruction from their agency on their agency's use of force or response to resistance policy; add an additional specific area of training that law enforcement officers must complete as part of their continuing education requirements; and allow physician's assistants and nurse practitioners to conduct examinations of 911 Telecommunicator applicants; 42 SDR 27, August 17, 2015.</p>
<p><del>7-27-2015</del> <b>8-26-2015</b></p>	<p><b>Health: Division of Health Systems Development and Regulation</b> Amend rules to update and create separate Articles for each health care provider currently regulated in Article 44:04, to allow facilities the ability to consider inclusion of operators of X ray equipment to meet federal provisions of electronic health records, and designate geographic areas for the redistribution of nursing facility beds; 42 SDR 2, July 6, 2015.</p>
<p><b>8-27-2015</b></p>	<p><b>Department of Transportation</b> Adopt rules to provide guidance to local public agencies for submission of a county highway and bridge improvement plan and set forth the application process, timelines, guidelines and criteria that will be used to award and distribute funds from the newly created Bridge Improvement Grant fund; 42 SDR 13, July 27, 2015.</p>
<p><b>8-28-2015</b></p>	<p><b>Department of Labor and Regulation: Division of Insurance</b> Adopt rules to update the South Dakota Division of Insurance's contact information, incorporate the 2015 Medicare coverage amounts, and update the sources referenced; 42 SDR 21, August 10, 2015.</p>
<p><b>9-4-2015</b></p>	<p><b>Department of Labor and Regulation: Division of Securities</b> Adopt a rule to allow the division to conduct a Fairness Hearing; 42 SDR 27, August 17, 2015.</p>

<b>9-4-2015</b>	<p><b>Department of Social Services</b> Amend Economic Assistance, Medical Services, and Adult Services and Aging rules to repeal unnecessary rules, update the Department's website, update coding from ICD 9 to ICD-10 to comply with federal regulations, update the guidelines for terminology and coding to the most recent versions available, update claim requirements and provide more information for providers and recipients via the Department's website; 42 SDR 27, August 17, 2015.</p>
-----------------	--

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, August 17, 2015, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. 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 LIB11. The committee chair has set the following tentative meeting schedule for the 2015 interim: September 21, November 9, and December 14.

**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>.