

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., September 24, 2018

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE

at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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

Department of Health: South Dakota Board of Pharmacy: (September 17, 2018) intends to amend rules to provide for an organized way of handling complaints and discipline for the Board of Pharmacy. The general authority for these rules, as cited by the board, is SDCL §§ 34-20E-20, 36-11-11, and 36-11A-14.

A public hearing will be held at the Hamlet Professional Building, Suite 202, 4001 West Valhalla Boulevard, Sioux Falls, South Dakota, on October 23, 2018, at 1:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Pharmacy, 4001 W. Valhalla Blvd., Suite 106, Sioux Falls, SD 57106. They are also available online at <https://pharmacy.gov> or <https://rules.sd.gov>. Material sent by mail must reach the board by October 20, 2018, 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) 362-2737 at least 48 hours before the public hearing.

Department of Social Services:

Board of Social Work Examiners:

(September 18, 2018) intends to establish rules for the Assistant Behavior Analyst or Paraprofessional, and amend rules for Social Workers to remove language related to licensure by equivalency; update to the most recent code of ethics; remove the fee schedule for examinations not conducted by the department; revise language for continuing education to allow more hours via online providers; and remove prior Board approval for preparation or publication of a professional social work topic or paper. The general authority for these rules, as cited by the board, is SDCL §§ 36-26-19, 36-26-29, and 36-38-27.

A public hearing will be held on the Dakota Digital Network on October 15, 2018, at 11:00 a.m. MT/12:00 p.m. CT at the following sites: BHSU, E.Y. Berry Library Room 011, 1200 University Street, Spearfish, South Dakota; Capitol A, Room B12, 500 East Capitol, Pierre, South Dakota; SFUC, FADM 145, 4801 North Career Avenue, Sioux Falls, South Dakota; Yankton DHS, Kanner Building, 3113 North Spruce, Yankton, South Dakota; and UC113, 4300 Cheyenne Boulevard, Rapid City, South Dakota. Copies of the proposed rules may be obtained without charge by contacting Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, SD 57501 or online at <https://rules.sd.gov>. Written comments should be sent to South Dakota Board of Social Work Examiners, 810 N. Main Street #298, Spearfish, SD 57783 or via email to proflic@rushmore.com. Material sent

by mail or email must reach the board at least 72 hours before the public hearing 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) 642-1600 at least 48 hours before the public hearing.

Department of Health: South Dakota Board of Podiatry Examiners: (September 20, 2018) intends to amend rules to update language relating to continuing education requirements; remove language regarding examinations by the Board; update language for qualifications of license applicants; update language for applicants holding an out of state license; replace verbiage of certificate of registration with license; remove antiquated language relating to officers of the Board; and update to the most recent version of the Code of Ethics of the American Podiatric Medical Association. The general authority for these rules, as cited by the board, is SDCL § 36-8-3.

A public hearing will be held on the Dakota Digital Network on October 19, 2018, at 11:00 a.m. MT/12:00 p.m. CT at the following sites: BHSU, E.Y. Berry Library Room 011, 1200 University Street, Spearfish, South Dakota; Capitol B, Room B12, 500 East Capitol, Pierre, South Dakota; SFUC, FADM 145, 4801 North Career Avenue, Sioux Falls, South Dakota; and UC113, 4300 Cheyenne Boulevard, Rapid City, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Board of Podiatry Examiners, 810 N. Main Street #298, Spearfish, SD 57783 or via email to profflic@rushmore.com. Material sent by mail or email must reach the board at least 72 hours before the public hearing 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) 642-1600 at least 48 hours before the public hearing.

Department of Labor and Regulation: South Dakota State Plumbing Commission: (September 21, 2018) intends to amend rules regulating plumbing installation practices as they relate to the 2015 SD Uniform Plumbing Code; and offset increasing expenditures to maintain operations. The general authority for these rules, as cited by the commission, is SDCL §§ 36-25-14, 36-25-15, 36-25-17.1, 36-25-17.2, 36-25-19, 36-25-22, 36-25-24.

A public hearing will be held at the Missouri River Plaza, Sharpe Conference Room, 123 West Missouri Avenue, Pierre, South Dakota, on October 18, 2018, at 11:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Plumbing Commission, 308 S. Pierre Street, Pierre, SD 57501. Material sent by mail must reach the commission by 11:00 a.m. CT on October 18, 2018, to be considered. 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) 773-3429 before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 41:04:01:06; 41:04:02:12; 41:07:02:05.

History-Notice: 45 SDR 27, August 20, 2018
 Hearing: September 6, 2018
 Filed: September 17, 2018
 Effective: October 8, 2018

OFFICE OF THE SECRETARY OF STATE: 5:04:03:01; 5:04:06:07.

History-Notice: 45 SDR 15, July 30, 2018
 Hearing: August 30, 2018
 Filed: September 17, 2018
 Effective: October 8, 2018

SOUTH DAKOTA RETIREMENT SYSTEM: 62:01:03:04; 62:01:05:13; 62:01:07:11, 62:01:07:12, 62:01:07:12.01; 62:01:08:01; 62:03:01:01.

History-Notice: 45 SDR 27, August 20, 2018
 Hearing: September 6, 2018
 Filed: September 17, 2018
 Effective: October 8, 2018

DEPARTMENT OF LABOR AND REGULATION: APPRAISER CERTIFICATION PROGRAM: 20:77:01:05; 20:77:03:01, 20:77:03:06; 20:77:05:01; 20:77:07:03; 20:77:08:01, 20:77:08:02.

History-Notice: 45 SDR 1, July 2, 2018
 Hearing: August 10, 2018
 Filed: September 18, 2018
 Effective: October 8, 2018

DEPARTMENT HEALTH: 44:63:01:01; 44:63:02:02, 44:63:02:10, 44:63:02:12, 44:63:02:13, 44:63:02:14, 44:63:02:15, 44:63:02:16, 44:63:02:17, 44:63:02:18, 44:63:02:19, 44:63:02:20; 44:63:03:01, 44:63:03:02, 44:63:03:04, 44:63:03:05; 44:63:06:02.

History-Notice: 45 SDR 15, July 30, 2018
 Hearing: August 17, 2018
 Filed: September 18, 2018
 Effective: October 8, 2018

DEPARTMENT OF LABOR AND REGULATION: SOUTH DAKOTA REAL ESTATE COMMISSION: 20:69:14:13, 20:69:14:01:10.

History-Notice: 45 SDR 27, August 20, 2018
 Hearing: September 6, 2018
 Filed: September 19, 2018
 Effective: October 9, 2018

DEPARTMENT OF VETERANS AFFAIRS: 50:03:02:04; 50:04:03:01, 50:04:03:04, 50:04:03:05, 50:04:03:07, 50:04:03:08; 50:04:04:01.

History-Notice: 44 SDR 197, June 25, 2018
 Hearing: August 22, 2018
 Filed: September 19, 2018
 Effective: October 9, 2018

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE: 20:06:09:48; 20:06:18:03, 20:06:18:03.01, 20:06:18:17; 20:06:22:35, 20:06:22:36; 20:06:39:61; 20:06:54:01; 20:06:55:42, 20:06:55:48, 20:06:55:49, 20:06:55:50, 20:06:55:50.02.

History-Notice: 45 SDR 21, August 13, 2018
 Hearing: August 29, 2018
 Filed: September 20, 2018
 Effective: October 10, 2018

NOTE REGARDING ADOPTED 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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

9-24-2018	Department of Transportation: Amend rules to reduce a 50 miles per hour speed zone on State Trunk Highway 81 in and around Watertown to 45 miles per hour, and extend it further south on State Trunk Highway 81; 45 SDR 34, September 4, 2018.
10-2-2018	Department of Agriculture: Amend rules to allow quarantines to be established in South Dakota to combat the spread of emerald ash borer; 45 SDR 30, August 27, 2018.

<p>10-4-2018</p>	<p>Department of Game, Fish and Parks: Amend rules to restrict applicants for East River, West River, Black Hills, or Muzzleloader deer hunting seasons to submitting no more than one license application for the combined drawing for these seasons; establish a drawing structure in which applicants have to choose a preferred license in either the special buck drawing or the first combined drawing of the East River, West River, Black Hills, or Muzzleloader deer hunting seasons; allow applicants a choice to use preference points for leftover licenses in the first three combined deer drawings; allow for an elk license to be made for a raffle conducted by a nonprofit organization; eliminate the definition of "liberalized fishing" and create a definition for "possession limit"; repeal the liberalized fishing waters restriction; eliminate the license and fee requirement for game fish spearing and archery fishing; remove the closed fishing season for game fish during the spring; repeal rules regulating liberalized fishing; eliminate restrictions on waters in Codington, Hamlin, Day, Marshall, Roberts, and Lake Counties; eliminate the daily harvest restriction of 25 white bass and rock bass, and make the daily limit and possession limited unlimited for inland waters; eliminate the 15 inch minimum requirement for large and small mouth bass except on Lake Yankton and Burke Lake; eliminate or revise length limits for certain fish caught on special management waters; remove the reference to snagging being allowed as a method of take on waters where liberalized fishing rules are in place; allow for the use of a legal bow and arrow to take a paddlefish on Lake Francis Case during the established annual paddlefish snagging season; allow for the use of a legal crossbow and spear guns to take fish and expand the season to year-round; eliminate the requirement to purchase a game fish spearing and archery fishing permit and expand the areas and times in which spearing can take place; change the SD-NE boundary waters gamefish spearing and archery season from July 1 through November 30 to July 1 through December 31; allow the taking of gamefish below Gavins Point Dam on the Missouri River by spearing and archery during established season dates; expand the areas where spearing and bowfishing are prohibited to include the Lewis and Clark and Angostura marinas; add the starry stonewort to the list of plants that are considered aquatic invasive species; allow for the commercial harvest and landowner removal of certain aquatic invasive species; authorize the department secretary to allow for instances in which removal of all water from a boat would not be required prior to leaving a boat ramp parking area; and add Lake Yankton to the list of lakes designated as containment waters; 45 SDR 39, September 17, 2018.</p>
<p>10-10-2018</p>	<p>Department of Environment and Natural Resources: Amend rules to increase the air fees assessed to businesses that are applicable to the Title V air quality permitting program; 45 SDR 37, September 10, 2018.</p>
<p>10-12-2018</p>	<p>Department of Health: Amend rules to allow air ambulance services to transport critical care patients by ground under specific circumstances; 45 SDR 40, September 17, 2018.</p>
<p>10-15-2018</p>	<p>Department of Social Services: Board of Social Work Examiners: Establish rules for the Assistant Behavior Analyst or Paraprofessional, and amend rules for Social Workers to remove language related to licensure by equivalency; update to the most recent code of ethics; remove the fee schedule for examinations not conducted by the department; revise language for continuing education to allow more hours via online providers; and remove prior Board approval for preparation or publication of a professional social work topic or paper; 45 SDR 43,</p>

	September 24, 2018.
10-17-2018	Department of Human Services: Amend rules to reflect new federal mandates in the CHOICES waiver services program; 45 SDR 40, September 17, 2018.
10-18-2018	Department of Labor and Regulation: South Dakota State Plumbing Commission: Amend rules regulating plumbing installation practices as they relate to the 2015 SD Uniform Plumbing Code; and offset increasing expenditures to maintain operations; 45 SDR 44, September 24, 2018.
10-19-2018	Department of Health: South Dakota Board of Podiatry Examiners: Amend rules to update language relating to continuing education requirements; remove language regarding examinations by the Board; update language for qualifications of license applicants; update language for applicants holding an out of state license; replace verbiage of certificate of registration with license; remove antiquated language relating to officers of the Board; and update to the most recent version of the Code of Ethics of the American Podiatric Medical Association; 45 SDR 44, September 24, 2018.
10-23-2018	Department of Health: South Dakota Board of Pharmacy: Amend rules to provide for an organized way of handling complaints and discipline for the Board of Pharmacy; 45 SDR 43, September 24, 2018.

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2018 Interim is November 20, 2018, at 10:00 a.m. in Room 414 of the State Capitol.

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>.