

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., October 6, 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 Transportation:** (October 2, 2014) is proposing to amend a Speed Zone rule to extend an existing 35 mph speed zone on U.S. Highway 83 in Todd County beginning 0.3 mile south of the intersection of U.S. Highway 18 an additional 0.25 mile south. The general authority for this rule, as cited by the department, is SDCL § 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on October 23, 2014, at 9:05 a.m. CST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by October 22, 2014, to be considered. 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

**Department of Education: Board of Education:** (October 3, 2014) intends to amend rules to create consistent language between teacher and principal evaluation rules in regard to the summative effectiveness rating; and establish a process by which principals must be evaluated by the 2016-2017 school year. The general authority for these rules, as cited by the board, is SDCL §§ 13-1-12.1, 13-3-69, and

13-42-33.

A public hearing will be held at the MacKay Building, First Floor Library Commons, 800 Governors Drive, Pierre, South Dakota, on November 17, 2014, at 9:00 a.m. CST. Copies of the proposed rules may be obtained without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, South Dakota 57501 or at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at the address above or at this website: <https://rules.sd.gov/default.aspx> and must be received by November 14, 2014, to be considered. 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) 773-3553 at least 48 hours before the hearing.

### **FILINGS IN THE SECRETARY OF STATE'S OFFICE:** (None)

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**

10-7-2014	Corrections	Adopt a rule to give Tribal Parole Agents, hired pursuant to the tribal parole project, the authority to detain parolees for the purpose of preventing escape and enforcing discipline on parolees; 41 SDR 37, August 25, 2014.
10-9-2014	Corrections: Board of Pardons and Paroles	Amend rules to align rule content with recent statutory changes regarding attendance at parole hearings, victim notice, procedures for parole with insufficient evidence of program directive compliance, parole to other jurisdictions and indeterminate sentences; establish a process for an expedited pardon application for minor offenses; and clarify that the Parole Board can impose an inmate's suspended sentence for institutional rule violations and/or for failing to participate in required programming; 41 SDR 37, August 25, 2014.
10-15-2014	Labor and Regulation: Division of Insurance	Amend rules to update the Risk Based Capital reporting requirements for insurers and health organizations; update Annuity Mortality tables; update the mental health parity rules in order to be consistent with the final rules under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008; and update standards for qualified health plans, minimum essential health benefits, and the sale of individual health insurance outside of an exchange; 41 SDR 57, September 29, 2014.
10-17-2014	Health: State Board of Dentistry	Amend rules to allow a dental hygienist, advanced dental assistant or dental assistant that holds a permit to monitor patients under general anesthesia and deep sedation or moderate sedation to inject medication through an intravenous site while under personal supervision of a dentist that holds a permit to administer general anesthesia and deep sedation or moderate sedation and to update sedation and anesthesia rules to require that any dentist that administers moderate sedation or provides dental services to patients under moderate sedation ensure that the office in which the work is performed has pulse oximetry and electrocardiogram display and require that any dentist that administers

		general anesthesia and deep sedation or provides dental services to patients under general anesthesia and deep sedation ensure that the office in which the work is performed has pulse oximetry, electrocardiogram display, precordial stethoscope and measurement of EtCO <sub>2</sub> (capnography); 41 SDR 45, September 8, 2014.
10-22-2014	Health: Board of Examiners in Optometry	Amend rules to increase the annual renewal fee; add to the listing of procedures approved as within the scope of practice of optometry; and adopt rules for a complaint investigation process; 41 SDR 57, September 29, 2014.
10-22-2014	Social Services: Division of Economic Assistance	Amend rules to repeal duplicative and obsolete rules, update outdated information, align rules with current practice, clarify language of certain rules, more specifically identify coverage groups, ensure compliance with federal regulations, and comply with changes due to the implementation of the Affordable Care Act; 41 SDR 57, September 29, 2014.
10-23-2014	Transportation	Amend a Speed Zone rule to extend an existing 35 mph speed zone on U.S. Highway 83 in Todd County beginning 0.3 mile south of the intersection of U.S. Highway 18 an additional 0.25 mile south; 41 SDR 63, October 6, 2014.
11-17-2014	Education: Board of Education	Amend rules to create consistent language between teacher and principal evaluation rules in regard to the summative effectiveness rating; and establish a process by which principals must be evaluated by the 2016-2017 school year; 41 SDR 63, October 6, 2014.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Wednesday, November 12, 2014, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2014 interim: 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>.

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