

REGISTER



South Dakota Legislative Research Council

Volume 43

Tuesday, 8:00 a.m., October 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 Agriculture: Division of Agricultural Services: (October 4, 2016) intends to amend rules to maintain compliance in the dairy industry at the farm and plant level to meet Grade "A" requirements and maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references; adopt current seed inspection procedures and update references to the Rules for Testing Seed; require that protective spill equipment be used to unload commercial fertilizer and update references to publications. The general authority for these rules, as cited by the department, is SDCL §§ 38-12A-20, 38-19-36, 38-19-36.1, 38-19-36.2, 39-6-9, and 40-32-18.

A public hearing will be held at the Capitol Visitor Center, State Capitol, 650 E. Capitol Avenue, Pierre, South Dakota, on October 25, 2016, at 1:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Agriculture, Joe Foss Building, 523 East Capitol, Pierre, SD 57501. Copies of the proposed rules are also available at the department's website: <http://sdda.sd.gov>. Material sent by mail must reach the department by November 4, 2016, 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) 773-5555 at least 48 hours

before the hearing.

Department of Labor and Regulation: Division of Insurance: (October 4, 2016) intends to amend a rule to adopt the National Association of Insurance Commissioners' Valuation Manual. The general authority for this rule, as cited by the department, is SDCL §§ 58-26-44.1 and 58-26-45.1.

A public hearing will be held in the West River Conference Room, 124 South Euclid Avenue, 2nd Floor, Pierre, South Dakota, on October 24, 2016, at 2:00 p.m. Paper copies of the proposed rule may be obtained without charge from and written comments sent to the Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2nd Floor, Pierre, SD 57501. The text of the proposed rule will be posted on the department's website:

http://dlr.sd.gov/insurance/legal/public_hearings.aspx. The rule may also be obtained as a Microsoft Word attachment by emailing mallori.barnett@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF HEALTH: BOARD OF EXAMINERS IN OPTOMETRY:
20:50:08:02, 20:50:08:02.03, 20:50:08:04; and
20:50:04 Appendix A.

History-Notice: 43 SDR 15, August 1, 2016
Hearing: August 26, 2016

Filed: October 3, 2016
Effective: October 24, 2016

**DEPARTMENT OF LABOR AND
REGULATION: 47:01:01:04.**

History-Notice: 43 SDR 25, August 22, 2016
Hearing: September 6, 2016
Filed: October 3, 2016
Effective: October 24, 2016

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

10-18-2016	Office of the Secretary of State: Board of Finance Amend rules to remove the signature definition in order to facilitate electronic signatures, update an obsolete statute reference, and change the minimum salary grade threshold to match the current general pay structure; 43 SDR 35, September 6, 2016.
10-21-2016	Department of Social Services: Division of Behavioral Health Amend rules to repeal Article 46:05 Substance use disorders and rewrite as Article 67:61 under the department; repeal Article 46:20 Mental health and rewrite as Article 67:62. Overall, duplicative language, outdated terms, and language no longer current were removed; "Alcohol and Drug Abuse" was updated to "Substance Use Disorder" or SUD; align the Articles; update to the current diagnostic manual DSM-5; add telemedicine as a reimbursable service; better detail client rights; revise treatment plan timeframes to better match the structure of programs; update dietary guidelines; add sentinel effect notifications; clarify certain accreditation requirements; and update the life safety code; 43 SDR 55, October 3, 2016.
10-21-2016	Department of Social Services: Division of Medical Services Amend rules to update definitions and other language, clarify coverage of certain services, implement ambulatory payment classification reimbursement methodology, update substance abuse rule references to reflect the new articles, update the national provider identification number requirements for reimbursement, move and update the substance use disorder provisions from Human Services to Social Services, and allow for in-state liver transplant option; 43 SDR 56, October 3, 2016.
10-24-2016	Department of Labor and Regulation: Division of Insurance Amend a rule to adopt the National Association of Insurance Commissioners' Valuation Manual; 43 SDR 61, October 11, 2016.
10-25-2016	Department of Agriculture: Division of Agricultural Services Amend rules to maintain compliance in the dairy industry at the farm and plant level to meet Grade "A" requirements and maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references; adopt current seed inspection procedures and update references to the Rules for Testing Seed; require that protective spill equipment be used to unload commercial fertilizer and update references to publications; 43 SDR 61, October 11, 2016.
10-26-2016	Bureau of Human Resources: Civil Service Commission Amend a rule to allow an out-of-state law enforcement officer, who is currently certified

	or has been in the last two years, to be placed on the requisition list without taking a written exam and specify the appointing authority shall determine the minimum score for the written exam; 43 SDR 55, October 3, 2016.
10-27-2016	Department of Transportation Amend rules to add a definition of "wireless infrastructure" that apply to utility accommodations in noninterstate rights-of-way, prohibit installation of wireless infrastructure in the noninterstate highway right-of-way, include the statement that installation of wireless infrastructure in the interstate highway right-of-way is prohibited, and make the definition of wireless infrastructure that is proposed for utility accommodations in noninterstate right-of-way also apply to utility accommodations in interstate right-of-way; 43 SDR 56, October 3, 2016.

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held on Monday, November 14, 2016, in Room 414, Fourth Floor 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>.

