

REGISTER



South Dakota Legislative Research Council

Volume 40

Tuesday, 8:00 a.m., October 15, 2013

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

Department of Human Services: South Dakota Developmental Center: (October 7, 2013) intends to amend rules to remove all references to "mental retardation" or "mentally retarded" from South Dakota Administrative Rules and replace them with "intellectual disability". These changes will remove terms that are outdated and offensive and replace those terms with more appropriate people's first language. The general authority for these rules, as cited by the department, is SDCL §§ 1-36A-24, 27B-2-25, 27B-2-26, 28-1-45, 28-6-1, 28-6-23, 28-6-24, 28-7-2, 34-12G-15, and 36-20B-12.

A public hearing will be held in the Large Conference Room at the Department of Human Services, Hillview Plaza, 3800 E. Highway 34, Pierre, South Dakota, on October 30, 2013, at 2:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to Eve Smith, Administrative Rules Coordinator, Department of Human Services, Hillview Plaza, East Hwy 34, c/o 500 East Capitol, Pierre, South Dakota 57501-5070. Copies of the proposed rules may also be obtained from the following website at <http://dhs.sd.gov/> or by emailing eve.smith@state.sd.us. Persons interested in presenting data, statements, opinions and arguments for or against the proposed rules may do so by appearing in person at the hearing. Material sent by mail must reach the Department of Human Services by 5 p.m. on November 11, 2013, 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) 773-5990 or (605) 773-6412 TTY within 48 hours of the hearing.

Governor's Office of Economic Development: (October 8, 2013) intends to amend rules to bring the certification criteria into line with industry standards relating to utility, transportation, and environmental program requirements. The general authority for these rules, as cited by the office, is SDCL § 6-18-4.

A public hearing will be held in the Conference Room at the Governor's Office of Economic Development, 711 E. Wells Avenue, Pierre, South Dakota, on November 6, 2013, at 1:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Governor's Office of Economic Development, 711 E. Wells Avenue, Pierre, South Dakota 57501. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the public hearing. Material sent by mail must reach the Governor's Office of Economic Development by November 17, 2013, 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) 773-5652 at least 48 hours before the public hearing.

Department of Game, Fish and Parks: (October 10, 2013) intends to amend rules to add Sheps Canyon Horse Camp to the list of areas that require an equestrian campground fee and increase camping permit fees established in § 41:03:04:03; increase the fees to reserve

picnic shelters, purchase a bundle of firewood, adjust the fees to use certain park facilities and authorize fees for new services and facilities; raise resident and nonresident hunting and fishing license fees; add a new section which, with certain exceptions for law enforcement and emergency personnel, would prohibit the use of external felt soled footwear including boots and waders in the waters of the state; change the statewide possession limits for all species in inland waters from two to three times the daily limit; change the possession limit for yellow perch from 15 to 30 fish on South Dakota-Minnesota boundary waters; add East and West Heritage GPS ponds to the list of waters with a 15-inch minimum length limit for largemouth and smallmouth bass and remove current walleye limits on Lake Oahe of 8 daily of which at most four can be 15 inches or longer in length, and 24 in possession, and instead apply statewide walleye harvest restrictions; modify ARSD 41:07:06:01 to include spearing of rough fish in South Dakota-Minnesota boundary waters and repeal ARSD 41:07:06:01.02 pertaining to spearing rough fish in South-Dakota-Minnesota boundary waters; modify ARSD 41:07:06:03 to remove subsection (7) which allows game fish spearing in certain waters in Eastern South Dakota, add South Island Lake and county designations for North and South Island Lakes which allows northern pike to be taken in inland waters except those managed for muskies; revise language that allows the director of the Division of Wildlife to temporarily open game fish spearing for special events areas otherwise closed to game fish spearing; modify ARSD 41:09:04:02.02 pertaining to species that may be taken as bait for commercial use to allow emerald shiners and spottail shiners to be taken and sold by any licensed resident bait dealer or sold by any licensed nonresident bait dealer; modify ARSD 41:09:04:02.04 pertaining to species that may be taken as bait for noncommercial use to allow golden shiners, emerald shiners, spottail shiners and dead gizzard shad to be transported away from the water from which they were taken to be used as bait; modify ARSD 41:09:04:03

pertaining to waters closed to the taking of bait.

A public hearing will be held at the Best Western Ramkota Conference Center, 920 W. Sioux Avenue, Pierre, South Dakota, on November 7, 2013, at 2:00 o'clock P.M. (CST). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 o'clock p.m. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to Wildinfo@state.sd.us. All written and email comments must include the commenter's name and address. 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)773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Jill Hart, Pierre, was appointed on October 7, 2013, to the **State Board of Examiners in Optometry**, to replace Dr. Mike Bartlett, effective immediately and shall continue until June 30, 2016.

Jeff L. Nielsen, Sioux Falls, was reappointed on October 4, 2013, to the **State Board of Pharmacy**, effective immediately and shall continue until October 1, 2016.

Lisa M. Rave, Baltic, was reappointed on October 4, 2013, to the **State Board of Pharmacy**, effective immediately and shall continue until October 1, 2016.

Note: A copy of the rules may be obtained directly from the above agencies. 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

10-17-2013	Labor and Regulation: Division of Insurance	Amend rules to update a short term major medical advertising disclosure; update the standards for determining the hazardous financial condition of an insurer; change a cross reference; and establish standards for multiple employer trusts; 40 SDR 57.
10-23-2013	Human Services: Division of Developmental Disabilities	Amend rules to combine all rules relating to developmental disabilities under one section to improve accessibility and ease of locating rules; repeal obsolete and unnecessary provisions; update terminology and definitions; update requirements for certification of community support providers; provide clarification regarding rights of participants; update community support provider requirements when dealing with abuse, neglect, and exploitation; update requirements for submission of critical incident reports by community support providers; clarify procedures for appeals, grievances, and rights restrictions; clarify administrative requirements for community support providers; update and clarify service standards for community support providers; update requirements for medication administration and health care services through community support providers; include a new chapter describing the comprehensive Home and Community Based Services Medicaid waiver; update and clarify requirements of the Family Support Medicaid Waiver services as well as generally funded Family Support services; update the regulations involving Community Training services; update rules involving Respite services; and include Preadmission Screening and Resident Reviews regulations; 40 SDR 63.
10-24-2013	Labor and Regulation: State Plumbing Commission	Amend a rule to increase the fee for residential plumbing inspections; 40 SDR 57.
10-29-2013	Social Services: Board of Examiners of Psychologists	Amend rules to increase the fee for licensure renewal, repeal an obsolete provision, and

		update supervision requirements; 40 SDR 63.
10-30-2013	Human Services: South Dakota Developmental Center	Amend rules to remove all references to "mental retardation" or "mentally retarded" from South Dakota Administrative Rules and replace them with "intellectual disability". These changes will remove terms that are outdated and offensive and replace those terms with more appropriate people's first language; 40 SDR 67
11-6-2013	Governor's Office of Economic Development	Amend rules to bring the certification criteria into line with industry standards relating to utility, transportation, and environmental program requirements; 40 SDR 67
11-7-2013	Game, Fish and Parks	Amend rules to add Sheps Canyon Horse Camp to the list of areas that require an equestrian campground fee and increase camping permit fees; increase the fees to reserve picnic shelters, purchase firewood, adjust the fees to use certain park facilities and authorize fees for new services and facilities; raise resident and nonresident hunting and fishing license fees; add a new section which, with certain exceptions for law enforcement and emergency personnel, would prohibit the use of external felt soled footwear including boots and waders in the waters of the state; change the statewide possession limits for all species in inland waters from two to three times the daily limit; change the possession limit for yellow perch from 15 to 30 fish on South Dakota-Minnesota boundary waters; add East and West Heritage GPS ponds to the list of waters with a 15-inch minimum length limit for largemouth and smallmouth bass and remove current walleye limits on Lake Oahe of 8 daily of which at most four can be 15 inches or longer in length, and 24 in possession, and instead apply statewide walleye harvest restrictions; modify ARSD 41:07:06:01 to include spearing of rough fish in South Dakota-Minnesota boundary waters and repeal ARSD 41:07:06:01.02 pertaining to spearing rough fish in South-Dakota-Minnesota boundary waters; modify ARSD 41:07:06:03 to remove subsection (7) which allows game fish spearing in certain waters in Eastern South Dakota, add South Island Lake and county designations for North and South Island Lakes

		<p>which allows northern pike to be taken in inland waters except those managed for muskies; revise language that allows the director of the Division of Wildlife to temporarily open game fish spearing for special events areas otherwise closed to game fish spearing; modify ARSD 41:09:04:02.02 pertaining to species that may be taken as bait for commercial use to allow emerald shiners and spottail shiners to be taken and sold by any licensed resident bait dealer or sold by any licensed nonresident bait dealer; modify ARSD 41:09:04:02.04 pertaining to species that may be taken as bait for noncommercial use to allow golden shiners, emerald shiners, spottail shiners and dead gizzard shad to be transported away from the water from which they were taken to be used as bait; modify ARSD 41:09:04:03 pertaining to waters closed to the taking of bait; 40 SDR 67.</p>
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, November 12, 2013, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2013 interim: December 17.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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