

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., October 20, 2014

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

Department of Health: Division of Health and Medical Services: (October 14, 2014) intends to amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel and ensure NBS specimens will not be used for any purpose other than for newborn screening for which that they were collected and remove language conflicting with current protocols and stand operating procedures for the services of a centralized designated contract laboratory for newborn screening. The general authority for these rules, as cited by the department, is SDCL § 34-24-25.

A public hearing will be held at the Hayes Building, Room 107, 600 East Capitol Avenue, Pierre, South Dakota, on November 17, 2014, at 11:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website at <http://doh.sd.gov/News> or <http://rules.sd.gov>. Material sent by mail must reach the department by November 27, 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) 773-3361 at least 48 hours before the hearing.

Department of Environment and Natural Resources: Water Management Board: (October 15, 2014) intends to amend Surface Water Quality rules to update legal and technical references; add, modify, and delete definitions; set site-specific total suspended solids criteria for the Cheyenne River and water temperature criteria for streams in the Black Hills Trout Management Area; and update toxic pollutant criteria to be consistent with U.S. Environmental Protection Agency criteria to include establishing a standard for methylmercury at 0.3 mg/kg in fish flesh; reformat a chapter to a single table to reduce the number of pages and words; add Lake Alexander in Pennington County, an unnamed lake west of Bristol in Day County, and Antelope and Indian Springs Lakes in Clark County; correct typographical errors; assign immersion recreation use to the North Fork Grand River and a segment of the South Fork Grand River; update the segment breaks to reflect current highway designations for American Crow Creek in Lyman County, Hidewood and North Deer Creeks in Deuel County, and Bear Butte Creek in Meade County; remove the seasonal coldwater marginal fish life propagation use from Fall River in Fall River County and extend the warmwater permanent fish life propagation use for Fall River from the Cheyenne River to its confluence with Cold and Hot Brook Creeks; change the coldwater marginal fish life propagation use to warmwater permanent fish life propagation for both Cold and Hot Brook Creeks in Fall River County; remove the immersion recreation use from a segment of Spring Creek in Pennington County; and add the immersion recreation use to sections of the North Fork and South Fork Grand River in

Perkins and Harding Counties. The general authority for these rules, as cited by the department, is SDCL §§ 34A-2-11, 34A-2-33, 34A-2-34, and 34A-2-93.

A public hearing will be held at the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on December 3, 2014, at 8:30 a.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Environment and Natural Resources, Surface Water Quality Program, PMB 2020, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3182 or by calling 605-773-3351. Copies of the proposed rules and supporting documentation can also be obtained by visiting the Department's website at <http://denr.sd.gov/public>. Written comments must be received by 5:00 p.m., December 2, 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) 773-3351 at least 48 hours before the public hearing.

Department of Labor and Regulation: South Dakota Board of Accountancy: (October 15, 2014) intends to amend rules to update continuing professional education criteria to include the word count formula and update references. The general authority for these rules, as cited by the board, is SDCL § 36-20B-12.

A public hearing will be held at the Department of Legislative Audit, 427 S. Chapelle, Pierre, South Dakota, on October 27, 2014, at 9:00 a.m. (CDT). Copies of the proposed rules may be obtained without charge from and written

comments sent to the South Dakota Board of Accountancy, 301 E. 14th Street, Suite 200, Sioux Falls, South Dakota 57104. Material sent by mail must reach the Board of Accountancy office on or before October 22, 2014, 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) 367-5770 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Susan N. Kornder, Aberdeen, was reappointed on October 3, 2014, to the **Behavioral Health Advisory Council**, effective immediately and shall continue until October 30, 2017.

Jayne Parsons, Fort Pierre, was reappointed on October 3, 2014, to the **Behavioral Health Advisory Council**, effective October 31, 2014, and shall continue until October 30, 2017.

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

10-22-2014	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.
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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.
10-27-2014	Labor and Regulation: Board of Accountancy	Amend rules to update continuing professional education criteria to include the word count formula and update references; 41 SDR 74, October 20, 2014.
11-6-2014	Game, Fish and Parks	Amend rules that would modify the "diver-down flag requirements" by changing flag size requirements and restricting diver-down flags from being placed in areas that would restrict watercraft navigation; adjust the nonrefundable application fee for elk, mountain goat, and bighorn sheep from \$5 to \$10; prohibit baiting from March 15 through May 31, inclusive, and create an exception for research activities conducted by the Department; offer residents 85 less one-tag "male turkey" licenses and 340 less two-tag "male turkey" licenses for the Prairie Units; offer nonresidents 10 more one-tag "male turkey" licenses and 28 less two-tag "male turkey" licenses for the Prairie Units; correct unit boundary descriptions for BST-BH1 (Black Hills) and PST-53A (Perkins County); remove the archery restriction west of Interstate 29 in Brookings County; remove the split seasons in Clay and Union counties; add Lincoln County to the restricted area where a person may use only a shotgun using shot shells, muzzleloading shotgun, or bow and arrow; reduce the number of archery turkey access permits valid for Good Earth State Park from 10 to 5, and repeal Unit PST-ZZ1; modify the definition of "Inland waters"; add a definition for "snag hook" and modify the definition of "snagging" accordingly; allow the use of artificial lights for fishing, and allow

		for the liberalized take of silver carp and bighead carp that jump into a boat or that can be netted using a dip net; change the channel catfish daily and possession limits on Nebraska border waters; correct the county references for Hanson Lake and Curlew Lake; clarify the manner in which paddlefish taken below Gavin's Point Dam are to be measured for purposes of the established length restriction; modify the rules pertaining to areas open to the spearing of game fish; prohibit the harvest of mussels for noncommercial purposes; require listing all wild animal (including amphibians, reptiles, and invertebrates, and parts thereof) specimen collection requests on applications for scientific collector's permits; add all wild animals (including amphibians, reptiles, and invertebrates, and parts thereof) to the list of specimens for which limits on the number of specimens and special conditions and provisions can be established; 41 SDR 67, October 14, 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.
11-17-2014	Health: Division of Health and Medical Services	Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel and ensure NBS specimens will not be used for any purpose other than for newborn screening for which that they were collected and remove language conflicting with current protocols and stand operating procedures for the services of a centralized designated contract laboratory for newborn screening; 41 SDR 73, October 20, 2014.
12-3-2014	Environment and Natural Resources: Water Management Board	Amend Surface Water Quality rules to update legal and technical references; add, modify, and delete definitions; set site-specific total suspended solids criteria for the Cheyenne River and water temperature criteria for streams in the Black Hills Trout Management Area; and update toxic pollutant criteria to be consistent with U.S. Environmental Protection Agency criteria to include establishing a

		<p>standard for methylmercury at 0.3 mg/kg in fish flesh; reformat a chapter to a single table to reduce the number of pages and words; add Lake Alexander in Pennington County, an unnamed lake west of Bristol in Day County, and Antelope and Indian Springs Lakes in Clark County; correct typographical errors; assign immersion recreation use to the North Fork Grand River and a segment of the South Fork Grand River; update the segment breaks to reflect current highway designations for American Crow Creek in Lyman County, Hidewood and North Deer Creeks in Deuel County, and Bear Butte Creek in Meade County; remove the seasonal coldwater marginal fish life propagation use from Fall River in Fall River County and extend the warmwater permanent fish life propagation use for Fall River from the Cheyenne River to its confluence with Cold and Hot Brook Creeks; change the coldwater marginal fish life propagation use to warmwater permanent fish life propagation for both Cold and Hot Brook Creeks in Fall River County; remove the immersion recreation use from a segment of Spring Creek in Pennington County; and add the immersion recreation use to sections of the North Fork and South Fork Grand River in Perkins and Harding Counties; 41 SDR 73, October 20, 2014.</p>
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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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