

REGISTER



South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., October 21, 2013

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

Department of Labor and Regulation: Appraiser Certification Program: (October 15, 2013) intends to amend rules to require notice of change of email address; include in the appraiser application a requirement to disclose email address, if available; completion of the supervisory and state-registered appraiser education program before supervision begins; state that nonclient appraisal experience is allowed for experience credit; change supervising to supervisory appraiser; adoption of the new edition of the uniform standards; change a cited statute; provide update conditions for continuing education; and allow partial hours for continuing education under certain circumstances. The general authority for these rules, as cited by the department, is SDCL § 36-21B-3.

A public hearing will be held in the Appraiser Certification Program Conference Room, 308 South Pierre Street, Pierre, South Dakota, on November 15, 2013, at 10:00 a.m. A copy of the proposed rules may be obtained from and written comments sent to the Department of Labor and Regulation, Appraiser Certification Program, 308 South Pierre Street, Pierre, South Dakota 57501. Material sent by mail must reach the department by November 14, 2013, to be considered at the public hearing. The department will keep the comment period open until November 25, 2013, for written comments. 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) 773-4608

at least 48 hours before the hearing.

Department of Health: Board of Medical and Osteopathic Examiners: (October 18, 2013) intends to adopt rules to create the standards in which an applicant can be issued a license through reciprocity and to allow provisional licenses to those requesting the examination waiver based on ABMS Board Certification. The general authority for these rules, as cited by the commission, is SDCL §§ 36-4-11 and 36-4-35.

A public hearing will be held at the CNA Surety Building Conference Room, 101 S. Reid St., Sioux Falls, South Dakota, on November 13, 2013, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Medical and Osteopathic Examiners, 101 N Main Avenue, Suite 301, Sioux Falls, South Dakota, 57104. Written comments must be received by November 12, 2013, 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) 367-7781.

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

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

10-23-2013	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 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.
11-13-2013	Health: Board of Medical and Osteopathic Examiners	Adopt rules to create the standards in which an applicant can be issued a license through reciprocity and to allow provisional licenses to those requesting the examination waiver based on ABMS Board Certification; 40 SDR 73.
11-15-2013	Labor and Regulation: Appraiser Certification Program	Amend rules to require notice of change of email address; include in the appraiser application a requirement to disclose email address, if available; completion of the supervisory and state-registered appraiser education program before supervision begins; state that nonclient appraisal experience is allowed for experience credit; change supervising to supervisory appraiser; adoption of the new edition of the uniform standards; change a cited statute; provide update conditions for continuing education; and allow partial hours for continuing education under certain circumstances; 40 SDR 73.

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>.