

REGISTER



South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., October 26, 2015

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Order:

The Governor has signed **Executive Order 2015-12** dated October 22, 2015. This order declares that the offices for state government, within the executive branch, shall be administratively closed on Friday, November 27, 2015, and at noon on Thursday, December 24, 2015.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

Administrative Rules:

Notice of Proposed Rules: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Environment and Natural Resources: Water Management Board: (October 21, 2015) intends to amend Surface Water Quality rules by deleting the fecal coliform criteria from immersion recreation and limited contact recreation waters (this change will leave intact the United States Environmental Protection Agency's (USEPA) recommended *Escherichia coli* criteria) and add the USEPA's nonylphenol aquatic life criteria. The general authority for these rules, as cited by the department, is SDCL §§ 34A-2-11 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 9, 2015, at 9:00 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, Attn: Patrick Snyder, Surface Water Quality Program, 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 8, 2015, 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 Social Services: Board of Examiners for Counselors and Marriage and Family Therapists: (October 23, 2015) intends to amend rules to repeal unnecessary rules, implement a fee to process license verifications and duplicate renewal cards, increase license and renewal license fees for marriage and family therapists, align language to be consistent with statutory language, clarify supervisor and exam requirements, and update the Code of Ethics to the most recent version. The general authority for these rules, as cited by the board, is SDCL §§ 36-32-23, 36-32-26, 36-32-42, 36-32-43, 36-32-44, 36-33-9, 36-33-14, 36-33-17, 36-33-18, 36-33-19, 36-33-25, and 36-33-33.

A public hearing will be held in the Highlands Room, Red Rossa Grille, 808 W. Sioux Ave., Pierre, South Dakota, on November 20, 2015, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written

comments may be sent to the South Dakota Board of Examiners for Counselors and Marriage and Family Therapists, PO Box 2164, Sioux Falls, SD 57101-2164 or via email to sdbce.msp@midconetwork.com. Written comments must be received by November 20, 2015, to be considered. Copies of the proposed rules may also be obtained by contacting Teresa Schulte at the Department of Social Services, 700 Governors Drive, Pierre, SD 57501 or at <http://rules.sd.gov>. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

Department of Social Services: Division of Child Protection Services: (October 23, 2015) intends to amend Regulatory Administration rules to implement the reasonable and prudent parent standard to support normalcy for children in alternative care. The general authority for these rules, as cited by the department, is SDCL § 26-6-16.

A public hearing will be held in the Kneip Conference Room 1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on

November 20, 2015, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <http://rules.sd.gov>. Written comments must be received by November 30, 2015, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

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

11-5-2015	<p>Department of Labor and Regulation: Appraiser Certification Program Amend rules to add requirement for email address, if available, to the application for supervisory appraisers; change "state of domicile" to "home state" ("or any other jurisdiction"), where applicable, on the applications for certified or licensed appraisers that move to the state and temporary practice; remove the term "summary or self-contained" from experience requirements for state-certified residential and state-certified general appraisers; add a required comma to educational requirements for state-licensed appraisers; adopt the 2016-2017 Edition of the Uniform Standards of Professional Appraisal Practice; require appraisers to retain "all" not just "any" written reports; and include grounds for disciplinary action against those not certified, licensed or registered who perform an appraisal review requiring the services of an accredited appraiser; 42 SDR 57, October 13, 2015.</p>
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11-5-2015	<p>Department of Game, Fish, and Parks Amend a Park License and Trail Use Pass rule to increase the fee for a 7-day Custer State Park entrance license from \$15 to \$20, and increase the one-day fee for a motor vehicle in Custer State Park that does not have a park entrance license from \$15 to \$20; amend a Camping Permits and Rules rule to provide for an additional \$2 reservation fee for a reservation made through the telephone call center applicable to both South Dakota residents and non-residents; amend a George S. Mickelson Trail Use Service Fees rule to increase the daily trail user pass fee from \$3 to \$4; amend a Motorboats and Watercraft rule to increase the annual fees for licensing motorboats and watercraft as follows: non-motorized boats over 12 ft. and boats propelled solely by electric trolling motors from \$12.50 to \$15, motorboats under 19 ft. from \$20 to \$25, and motorboats 19 ft. and over from \$40 to \$45; amend a Spring Wild Turkey Hunting Season rule to amend the resident and nonresident "male turkey" license numbers for the Prairie Units, establish a new unit (Unit 16A) for Campbell and Walworth counties, and change the county designation of Unit PST-65A from Shannon County to Oglala Lakota County; amend a Custer State Park Spring Wild Turkey Hunting Season rule to set the "male turkey" licenses numbers; and amend a Waterfowl Hunting Seasons (Spring Light Goose Conservation Order) rule to adjust the start date of the Conservation Order from opening statewide for 79 consecutive days beginning on the 106th day from the Saturday closest to November 1 to being open statewide for 79 consecutive days beginning the day following closure of Unit 2 of the goose hunting season; 42 SDR 61, October 19, 2015.</p>
11-16-2015	<p>Department of Education: Board of Education Amend Certification rules to provide additional and consistent options for secondary career and technical education (CTE) teachers to become certified to teach CTE courses; amend Accreditation and School Improvement rules to clean up language and eliminate the requirement that a student taking a high school course from a qualified teacher before grade nine pass a state-approved assessment before credit can be awarded, which will allow a school district to determine if the student has met the same criteria required for credit to be awarded to high school students in the district and require the acceptance of credit for summer courses taken from an accredited school system documentation and notice of any decision that the credits do not meet graduation requirements; and amend Public School Accountability System rules to update certain components of the accountability system to provide a more in-depth measure of public school performance; 42 SDR 62, October 19, 2015.</p>
11-20-2015	<p>Department of Environment and Natural Resources Amend Fluoridation of Water Supplies rules to reduce the required fluoride level and cleanup outdated language; and amend Bottled Water Quality rules to adopt pertinent US FDA rules for bottled water quality; 42 SDR 62, October 19, 2015.</p>
11-20-2015	<p>Department of Labor and Regulation: Division of Unemployment Insurance Amend rules to allow domestic employers the option of paying state unemployment contributions (UC) annually instead of paying quarterly; 42 SDR 62, October 19, 2015.</p>
11-20-2015	<p>Department of Social Services: Board of Examiners for Counselors and Marriage and Family Therapists Amend rules to repeal unnecessary rules, implement a fee to process license verifications and duplicate renewal cards, increase license and renewal license fees for marriage and family therapists, align language to be consistent with statutory language, clarify supervisor and exam requirements, and update the Code of Ethics to the most recent version; 42 SDR 65, October 26, 2015.</p>

11-20-2015	Department of Social Services: Division of Child Protection Services Amend Regulatory Administration rules to implement the reasonable and prudent parent standard to support normalcy for children in alternative care; 42 SDR 66, October 26, 2015.
11-23-2015	Department of Labor and Regulation: South Dakota Athletic Commission Amend rules to increase the number of days required between approval of an event and the date of the event, clarify existing rules regarding the requirements of promoters to provide certain equipment at an event, increase the minimum fee for an approved event, clarify existing rules regarding accepted medical documentation for contestants, clarify the requirements for meeting certain promoter requirements in advance of an event, increase the number of days allowed for final reports and fees to be submitted by the promoter, require a security plan to be provided by a promoter prior to an event, increase the number of rounds a referee may officiate in one contest, increase the time period allowed for weigh-ins prior to an event, and clarify responsibilities of the Commission's designee; 42 SDR 57, October 13, 2015.
12-9-2015	Department of Environment and Natural Resources: Water Management Board Amend Surface Water Quality rules by deleting the fecal coliform criteria from immersion recreation and limited contact recreation waters (this change will leave intact the United States Environmental Protection Agency's (USEPA) recommended <i>Escherichia coli</i> criteria) and add the USEPA's nonylphenol aquatic life criteria; 42 SDR 65, October 26, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, November 9, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: December 14.

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>.