

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., November 10, 2014

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

**Department of Revenue: Division of Property and Special Taxes:** (November 5, 2014) intends to amend rules to clarify the requirements for the renewal of certified appraiser assessor certificates, revise the requirements for maintaining the professional designation of a "Certified Appraiser Assessor," update the requirements for testing and retesting courses at annual assessor schools, and update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property. The general authority for these rules, as cited by the department, is SDCL §§ 10-1-16.1 and 10-3-1.2.

A public hearing will be held in the Anderson Building, Room 109, 445 E. Capitol Avenue, Pierre, South Dakota, on December 1, 2014, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Copies of the rules are also available at the department's website at:

[http://dor.sd.gov/Publications/Public\\_Notices/PDFs/ptrules2014.pdf](http://dor.sd.gov/Publications/Public_Notices/PDFs/ptrules2014.pdf). Material sent by mail must reach the department by December 11, 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) 773-4701 at least 48 hours before the hearing.

**Department of Agriculture: Division of Agricultural Services:** (November 6, 2014) is proposing to amend rules to maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references. The general authority for these rules, as cited by the department, is SDCL §§ 39-6-9 and 40-32-18.

A public hearing will be held at the Alfred Dairy Science Hall, Room #122, Brookings, South Dakota, on December 8, 2014, at 10:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Agricultural Services-Dairy Program, Alfred Dairy Science Hall, Box 2104, Brookings, South Dakota 57007. Material sent by mail must reach the Department by December 18, 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) 688-6455 at least 48 hours before the hearing.

### **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

#### **Executive Appointments:**

**Carl Anderson**, Aberdeen, was reappointed on October 29, 2014, to the **South Dakota State Railroad Board**, effective October 31, 2014, and shall continue until October 30, 2017.

**Todd Yeaton**, Kimball, was reappointed on October 29, 2014, to the **South Dakota State Railroad Board**, effective October 31, 2014, and shall continue until October 30, 2017.

**Amber A. Determan**, Mitchell, was reappointed on October 30, 2014, to the **State Board of Dentistry**, effective October 31, 2014, and shall continue until October 30, 2017.

**Tara T. Schaack**, Rapid City, was reappointed on October 30, 2014, to the **State Board of Dentistry**, effective October 31, 2014, and shall continue until October 30, 2017.

**Roy A. Seaverson**, Sioux Falls, was reappointed on October 30, 2014, to the **State Board of Dentistry**, 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**

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.
11-24-2014	Health: Division of Health Systems Development and Regulation	Amend a rule to provide additional optional services for assisted living centers to assist residents dependent on dining assistance and to allow to provide assistance to complete activities of daily living up to total assist and to turn and raise in bed and to transfer; 41 SDR 83, November 3, 2014.
11-24-2014	Social Services: Division of Child Support	Amend rules to update certain terminology to reflect current language and practice; 41 SDR 83, November 3, 2014.
12-1-2014	Revenue: Division of Property and Special Taxes	Amend rules to clarify the requirements for the renewal of certified appraiser assessor certificates, revise the requirements for maintaining the professional designation of a

		<p>"Certified Appraiser Assessor," update the requirements for testing and retesting courses at annual assessor schools, and update manuals and price of manuals to the current version that must be used by assessors in calculating the value of non-residential and residential property; 41 SDR 89, November 10, 2014.</p>
<p>12-3-2014</p>	<p>Environment and Natural Resources: Water Management Board</p>	<p>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; 41 SDR 73, October 20, 2014.</p>
<p>12-6-2014</p>	<p>Health: Board of Chiropractic Examiners</p>	<p>Amend rules to update requirements for individuals not immediately seeking licensure</p>

		after graduation; modify requirements for activating an inactive or lapsed chiropractic license; establish a rule for activating a lapsed chiropractic radiographic and chiropractic assistant certificate; modify continuing education requirements for chiropractic radiographic and chiropractic assistant certifications; and update reference material for peer review process; 41 SDR 83, November 3, 2014.
12-8-2014	Agriculture: Division of Agricultural Sciences	Amend rules to maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references; 41 SDR 89, November 10, 2014.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Wednesday, November 12, 2014, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Mitchell – Mitchell Technical Institute, 1800 E. Spruce, Room TC 155; Rapid City – SD School of Mines & Technology, 501 E. St. Joseph St., Room CB 109; and Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145. 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>.