

# REGISTER



## South Dakota Legislative Research Council

Volume 44

Monday, 8:00 a.m., November 27, 2017

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### FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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

**Department of Agriculture: South Dakota Veterinary Medical Examining Board:** (November 20, 2017) intends to amend rules to update application and assessment requirements for veterinarians seeking licensure in South Dakota; update current language of reference materials and names of national veterinary assessments and scores; eliminate the option of licensure by endorsement of another state's veterinary licensing authority; and update application requirements for persons seeking registration as a veterinary technician. The general authority for these rules, as cited by the agency, is SDCL §§ 36-12-12 and 36-12-21.

A public hearing will be held at the South Dakota Veterinary Medical Examining Board Office, 411 South Fort Street, Pierre, South Dakota, on December 22, 2017, at 9:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Veterinary Medical Examining Board, 411 S. Fort Street, Pierre, SD 57501. All written comments must include the name, city, and state of the person submitting the comments. Material submitted by mail must reach the Board by December 21, 2017, to be considered. A copy of the proposed rules is also available at <http://rules.sd.gov>. 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) 773-3321 or (605) 223-7684 (Telecommunications Device for the Deaf).

### **Department of Education: South Dakota Board of Technical Education:**

(November 21, 2017) intends to transfer existing rules from Article 24:10 under the Board of Education Standards to Article 24:59 under the Board of Technical Education; and amend relevant references from the director of Career and Technical Education to the Executive Director of the Board of Technical Education, from the Board of Education Standards to the Board of Technical Education, and from the Department of Education to the Board of Technical Education. The general authority for these rules, as cited by the agency, is SDCL §§ 1-16A-94, 13-1-12.1, 13-13-90, 13-39-13, 13-39-19, 13-39-37, 13-39-38, 13-39-75, 13-39A-12, 13-39A-18, 13-39A-21, 13-39A-24, 13-42-3, 28-9-44, 28-10-21, and 33-6-8.

A public hearing will be held at Mitchell Technical Institute, Technology Center, Amphitheater, 1800 East Spruce Street, Mitchell, South Dakota, on December 15, 2017, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Education, Attn: Board of Technical Education, 800 Governors Drive, Pierre, SD 57501. Data, opinions, and arguments for or against the proposed rules may also be sent electronically to [nick.wendell@state.sd.us](mailto:nick.wendell@state.sd.us). Material sent by mail or email must reach the Department on or before December 11, 2017, to be considered. A copy of

the proposed rules is also available at <http://rules.sd.gov>. 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) 773-3261 at least 48 hours before the hearing.

**Department of Game, Fish and Parks:** (November 22, 2017) intends to adopt a rule to require all bait dealers to list employees/agents on their application that will engage in trapping, transporting, delivering, raising, or seining bait; and allow the Department to refuse the issuance of a license to a bait dealer with an employee/agent who has had their bait dealer license suspended, revoked, or been denied a bait dealer license. The general authority for these rules, as cited by the agency, is SDCL § 41-2-18.

A public hearing will be held at the RedRossa Convention Center, 808 West Sioux Avenue, Pierre, South Dakota, on December 14, 2017, at 2:00 p.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. Data, opinions, and arguments for or against the proposed rules may also be sent electronically to [wildinfo@state.sd.us](mailto:wildinfo@state.sd.us). Material sent by mail or email must reach the Department at least 72 hours before the public hearing (not including the day of the public hearing) to be considered. A copy of the proposed rules is also available at <http://rules.sd.gov>. 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) 773-3718 or (605) 223-7684 (Telecommunications Device for the Deaf).

**NOTICE:**

The **Department of Social Services** intends to make changes to the South Dakota CHIP

State Plan regarding the mental health parity and addiction equity requirements. The proposed State Plan Amendment (SPA) clarifies that the Mental Health Parity and Addiction Equity Act requirements are satisfied through the EPSDT benefit. The SPA amends Section 6.2 of the CHIP State Plan.

The information added to the plan will be on pages 32 to 41 of the plan. The Department intends to make this SPA effective October 1, 2017. The Department estimates there will be no federal fiscal impact associated with this SPA in Federal Fiscal Year 2018 and Federal Fiscal Year 2019. The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to: Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291.

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

**DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:**

**WATER MANAGEMENT BOARD:**

74:52:01:01, 74:52:01:02, 74:52:01:02.01, 74:52:01:02.02, 74:52:01:02.03, 74:52:01:05, 74:52:01:05.01, 74:52:01:09, 74:52:01:10; 74:52:02:22, 74:52:02:40, 74:52:02:41, 74:52:02:42, 74:52:02:43, 74:52:02:44, 74:52:02:46; 74:52:03:06, 74:52:03:13, 74:52:03:16; 74:52:04:04, 74:52:04:06; 74:52:06:05; 74:52:07:01; 74:52:08:01; 74:52:09:01; 74:52:10:01; 74:52:11:01, 74:52:11:02, 74:52:11:03, 74:52:11:04, 74:52:11:10, 74:52:11:12, 74:52:11:15, 74:52:11:16; 74:57:01:04, and 74:57:01:05.

History-Notice: 44 SDR 47, Sept. 5, 2017

Hearing: October 5, 2017

Filed: November 20, 2017

Effective: December 11, 2017

**DEPARTMENT OF HEALTH: BOARD OF OPTOMETRY EXAMINERS:** 20:50:04:06; 20:50:07:01; 20:50:08:02.01; and 10:50:10:03.

History-Notice: 44 SDR 51, Sept. 11, 2017  
 Hearing: October 20, 2017  
 Filed: November 20, 2017  
 Effective: December 11, 2017

**DEPARTMENT OF LABOR AND REGULATION: APPRAISER CERTIFICATION PROGRAM:**

20:14:06:01.

History-Notice: 44 SDR 59, Sept. 25, 2017  
 Hearing: October 25, 2017  
 Filed: November 20, 2017  
 Effective: December 11, 2017

**BUREAU OF HUMAN RESOURCES:**

55:08:02:04; 55:08:03:01; and 55:08:05:03.

History-Notice: 44 SDR 63, October 2, 2017  
 Hearing: October 23, 2017  
 Filed: November 21, 2017  
 Effective: December 11, 2017

**BUREAU OF HUMAN RESOURCES: CIVIL SERVICE COMMISSION:**

55:09:04:02, 55:09:04:12; and 55:10:11:01 to 55:10:11:18, inclusive.

History-Notice: 44 SDR 63, October 2, 2017  
 Hearing: October 23, 2017  
 Filed: November 21, 2017  
 Effective: December 11, 2017

**DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE:** 20:08:03:01; 20:08:07:30, 20:08:07:34, 20:08:07:40, 20:08:07:41, and 20:08:07:42.

History-Notice: 44 SDR 69, October 10, 2017  
 Hearing: October 24, 2017  
 Filed: November 21, 2017  
 Effective: December 11, 2017

**Executive Appointments:**

**Kenneth D. Albers**, Canton, was reappointed on November 17, 2017, to the **Board of Pardons and Paroles**, effective January 16, 2018 and shall continue until January 17, 2022.

**Robert Huggins**, Sioux Falls, was appointed on November 17, 2017, to the **South Dakota Aeronautics Commission**, to replace Vernon VanDerhule, effective immediately and shall continue until October 30, 2020.

**Becky Guffin**, Aberdeen, was appointed on November 20, 2017, to the **South Dakota Board of Education Standards**, to replace Don Kirkegaard, effective immediately and shall continue until December 31, 2018.

**Jacqueline Sly**, Rapid City, was appointed on November 20, 2017, to the **South Dakota Board of Education Standards**, to replace Glenna Foberg, effective immediately and shall continue until December 31, 2021.

**Norman Sorensen**, Rapid City, was appointed on November 20, 2017, to the **South Dakota Board of Hearing Aid Dispensers and Audiologists**, to replace Louise French, effective immediately and shall continue until October 30, 2020.

**Executive Order:**

The Governor has signed **Executive Order 2017-10**, dated November 17, 2017. This executive order declares that the offices for state government within the Executive Branch and under the control of the governor will be administratively closed November 24, 2017, and December 26, 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 the Department of Labor and Regulation for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

<b>12-14-2017</b>	<b>Department of Game, Fish and Parks:</b> Adopt a rule to require all bait dealers to list employees/agents on their application that will engage in trapping, transporting, delivering, raising, or seining bait; and allow the Department to refuse the issuance of a license to a bait dealer with an employee/agent who has had their bait dealer license suspended, revoked, or been denied a bait dealer license; 44 SDR 98, November 27, 2017.
<b>12-15-2017</b>	<b>Department of Education: South Dakota Board of Technical Education:</b> Transfer existing rules from Article 24:10 under the Board of Education Standards to Article 24:59 under the Board of Technical Education; and amend relevant references from the director of Career and Technical Education to the Executive Director of the Board of Technical Education, from the Board of Education Standards to the Board of Technical Education, and from the Department of Education to the Board of Technical Education; 44 SDR 97, November 27, 2017.
<b>12-22-2017</b>	<b>Department of Agriculture: South Dakota Veterinary Medical Examining Board:</b> Amend rules to update application and assessment requirements for veterinarians seeking licensure in South Dakota; update current language of reference materials and names of national veterinary assessments and scores; eliminate the option of licensure by endorsement of another state's veterinary licensing authority; and update application requirements for persons seeking registration as a veterinary technician; 44 SDR 97, November 27, 2017.

### RULES REVIEW COMMITTEE MEETING

The Interim Rules Review Committee has completed their meeting schedule for the 2017 interim. Watch for notices of 2018 meetings in this publication, on the LRC website, and at the Capitol.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.aspx>.