



# SOUTH DAKOTA REGISTER

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## FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

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### Notice of Proposed Rules

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Date in parentheses indicates when rules were filed with the Legislative Research Council.  
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

**Department of Agriculture:** (September 16, 2019) intends to amend a rule to increase the feed tonnage inspection fee from two cents per ton to 10 cents per ton. The general authority for this rule, as cited by the department, is SDCL 39-14-43.

A public hearing will be held in the SDDA Large Conference Room, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on October 9, 2019, at 1:00 p.m. CT. Copies of the proposed rule may be obtained without charge from and written comments sent to the Department of Agriculture, Agricultural Services Division, 523 East Capitol Avenue, Pierre, South Dakota 57501. The comment period will close on October 19, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-4432 at least 48 hours before the public hearing.

**Department of Revenue:** (September 17, 2019) intends to amend rules to establish procedures and requirements for taxpayers required by the Secretary to file a consolidated report and provide a more efficient procedure for apportionment of bank franchise tax revenue to county governments. The general authority for these rules, as cited by the department, is SDCL 10-43-36 and 10-43-42.1.

A public hearing will be held at the Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota, on October 10, 2019, at 9:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501. A copy of the rules is available online at <https://rules.sd.gov>. The comment period will close on October 24, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-4701 at least 48 hours before the public hearing.

**Division of Insurance (Department of Labor and Regulation):** (September 18, 2019) intends to amend rules to update continuing education (CE) course requirements for insurance producers. The general authority for these rules, as cited by the department, is SDCL 58-30-117.

A public hearing will be held in the Oahe Conference Room, 1<sup>st</sup> Floor, 124 South Euclid Avenue, Pierre, South Dakota, on October 11, 2019, at 10:00 a.m. CT. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Division of Insurance, Administrative Rules, 124 South Euclid Avenue, 2<sup>nd</sup> Floor, Pierre, South Dakota 57501. Copies of the rules are also available at [http://dlr.sd.gov/insurance/admin\\_rules/public\\_hearings.aspx](http://dlr.sd.gov/insurance/admin_rules/public_hearings.aspx) or by email request to [frank.marnell@state.sd.us](mailto:frank.marnell@state.sd.us). The comment period will close on October 21, 2019. This hearing is being held in a physically accessible location. Persons with special needs for which the department can make arrangements may call (605) 773-3563 at least 48 hours before the public hearing.

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## FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

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### Final Administrative Rules

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**DEPARTMENT OF PUBLIC SAFETY:** 20:15:06:11.

**History/Notice:** 46 SDR 32, September 3, 2019

**Hearing:** Emergency Rule

**Filed:** September 11, 2019

**Effective:** September 11, 2019

**SOUTH DAKOTA COSMETOLOGY COMMISSION (DEPARTMENT OF LABOR AND REGULATION):** 20:42:01:01; 20:42:03:04, 20:42:03:14; 20:42:04:01.02, 20:42:04:04, 20:42:04:04.02, 20:42:04:04.03, 20:42:04:05.01; 20:42:05:01, 20:42:05:04, 20:42:05:06 through 20:42:05:11; 20:42:06:01, 20:42:06:01.01, 20:42:06:01.02, 20:42:06:01.03, 20:42:06:02, 20:42:06:05, 20:42:06:10, 20:42:06:16, 20:42:06:18, 20:42:06:24, 20:42:06:29, 20:42:06:34, 20:42:06:35; 20:42:09:01 through 20:42:09:05; 20:42:10:01 through 20:42:10:12.

**History/Notice:** 46 SDR 18, July 29, 2019

**Hearing:** August 20, 2019

**Filed:** September 13, 2019

**Effective:** October 3, 2019

**SOUTH DAKOTA DEPARTMENT OF AGRICULTURE:** 12:05:01:01; 12:05:03:02, 12:05:03:03, 12:05:03:05, 12:05:03:07; 12:05:06:01, 12:05:06:02, 12:05:06:06; 12:05:14:01, 12:05:14:02, 12:05:14:03; 12:11:01:01, 12:11:01:03, 12:11:01:04; 12:11:02:11, 12:11:02:12, 12:11:02:13, 12:11:02:17; 12:11:04:01, 12:11:04:02; 12:17:01:01; 12:17:02:15; 12:17:03:01, 12:17:03:04, 12:17:03:10, 12:17:03:22; 12:17:04:16, 12:17:04:17; 12:17:05:02, 12:17:05:03; 12:17:06:01, 12:17:06:02; 12:17:11:01; 12:81:05:01.

**History/Notice:** 46 SDR 14, July 22, 2019

**Hearing:** August 14, 2019

**Filed:** September 18, 2019

**Effective:** October 8, 2019

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## SCHEDULED PUBLIC HEARINGS

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<b>9-23-2019</b>	<b><u>Department of Health:</u></b> Amend rules to allow municipalities to regulate the practice of saline tattoo removal; 46 SDR 26, August 19, 2019.
<b>9-23-2019</b>	<b><u>Department of Health:</u></b> Amend rules to clean up existing rules and clarify the methodology for determining testing fees; 46 SDR 29, August 26, 2019.
<b>10-1-2019</b>	<b><u>Department of Revenue:</u></b> Repeal rules with no legislative authority and no implementation purpose in the codified laws relating to the inheritance tax; 46 SDR 32, September 3, 2019.
<b>10-3-2019</b>	<b><u>Department of Game, Fish and Parks:</u></b> Amend or create rules to require all traps and snares to be checked within 24 hours from the time the trap was set; allow GFP personnel to grant extensions to the 24 hour time check and require them to keep records on such extensions; require trappers to check the weather report for the next 48 hours after a trap is set and record such data; allow GFP personnel or any person receiving permission from GFP personnel to release or euthanize an animal in a trap or snare longer than 24 hours; require all traps and snares to be checked prior to midnight of the third full calendar day following a previous check or when the trap was initially set; require all traps and snares fully submerged in water that remain set beneath ice to be checked prior to midnight of the fifth full calendar day following a previous check or when the trap was initially set; allow for

	telescopic sights utilizing magnification; establish a fee for nonresident licenses for the mountain lion hunting season; extend the mountain lion hunting season dates in the Black Hills Fire Protection District from December 26 through March 31 to December 26 through April 30 and increase the number of access permits in Custer State Park; allow the GFP Commission to extend the mountain lion hunting season beyond April 30 if necessary; create a limited number of mountain lion hunting licenses for nonresidents and expand the allowance for the use of dogs that originate on private land to cross over or culminate on any public lands where unleashed dogs are permitted; extend the Custer State Park coyote hunting season from December 26 through March 31 to December 26 through April 30 and remove the requirement to have a free access permit; add a definition of "setline" and "wire fish traps"; add the term "traps" to the title of Chapter 41:07:08; allow for the use of wire fish traps and require check and empty times by midnight of the day following when they were first set; align hoop net, trap, and setline gear restrictions on border waters to match those for inland waters; allow the use of hoop nets, traps, and setlines in the James, Vermillion, and Big Sioux River mainstems; allow the use of hoop nets and traps in the western Missouri River tributaries; create a process for the permitting of aeration systems on meandered waters or other waters to which the state has acquired a right, title or interest; allow for a single importation permit from an out-of-state source to cover an entire year from their last fish health inspection; specify which species of fish need to be tested for particular pathogens; add spiny waterflea, round goby, and specified perch to the aquatic invasive species list; add Lake Sharpe and Francis Case to the list of containment waters to help control the spread of aquatic invasive species; add and update specific authority to the current rules and correct language for style and form; update language for consistency purposes and to reduce redundancy of terms; repeal repetitive references and unnecessary rules; increase the park entrance license fees and increase the fee for having a vehicle in the park without a park entrance license; increase camping fees across the state; create a definition for a "tent only" campsite; increase the cost of firewood from \$5.00 to \$6.00 a cubic foot; identify the state's known chronic wasting disease (CWD) endemic areas at the hunting unit level for deer and elk; require hunters, wildlife processors, and taxidermists to dispose of out-of-state cervids, regardless of CWD status, and cervids harvested from a known South Dakota CWD endemic area through their waste management provider or a permitted landfill; and alter the days of the week that individuals could use a horse for training dogs on public lands; 46 SDR 40, September 16, 2019.
10-9-2019	<a href="#"><b>Department of Agriculture:</b></a> Amend a rule to increase the feed tonnage inspection fee from two cents per ton to 10 cents per ton; 46 SDR 45, September 23, 2019.
10-10-2019	<a href="#"><b>Division of Developmental Disabilities (Department of Human Services):</b></a> Amend rules to limit participants in shared living to individuals with IDD/DD age 22 and older; require training for disability awareness, the participants Individual Service Plan, and abuse, neglect, and exploitation for respite care providers and anyone over 18 years of age living in the home; allow a cell phone to be used instead of requiring a landline; prohibit a shared living provider from being a representative payee over a participant's money; specify the staff orientation requirements of providers of case management; clarify what Individual Service Plan expectations are for a participant's goals; eliminate a rule concerning alternative day services; add new training requirements to include focusing on the participant's needs to achieve their good life; add new requirements to ISP development to include Charting the LifeCourse principles; modify coordination of required actions and timeframes; repeal a rule which is repetitive with DSS Medicaid rules; eliminate a rule stating that no services are provided if state funds are not available; change the name of Statewide Family Support to Strengthening Families Program; and update the age requirement from 2-1/2 to 3 years of age for incontinence supplies; 46 SDR 39, September 16, 2019.
10-10-2019	<a href="#"><b>Department of Revenue:</b></a> Amend rules to establish procedures and requirements for taxpayers required by the Secretary to file a consolidated report and provide a more efficient procedure for apportionment of bank franchise tax revenue to county governments; 46 SDR 45, September 23, 2019.
10-11-2019	<a href="#"><b>Division of Insurance (Department of Labor and Regulation):</b></a> Amend rules to update continuing education (CE) course requirements for insurance producers; 46 SDR 45, September 23, 2019.
10-15-2019	<a href="#"><b>Department of Health:</b></a> Amend rules to prescribe a form to be used by a physician to comply with the requirement of SDCL 34-23A-10.1(1); 46 SDR 40, September 16, 2019.

<b>10-15-2019</b>	<b><u>Department of Health:</u></b> Amend rules to reflect current practices; delete unnecessary rules; and increase flexibility in providing Assisted Living services; 46 SDR 41, September 16, 2019.
<b>10-17-2019</b>	<b><u>South Dakota Board of Examiners in Optometry (Department of Health):</u></b> Amend rules to clarify existing language for release of prescriptions; set out processes for reviewing license applications; establish and clarify processes for license renewal and late renewal fee; update and clean up continuing education requirements and documentation; revise requirements of notification of change in professional corporation membership; and add three CPT codes to clinical procedures approved for optometrists; 46 SDR 39, September 16, 2019.
<b>10-17-2019</b>	<b><u>South Dakota Board of Minerals and Environment (Department of Environment and Natural Resources):</u></b> Amend rules to update South Dakota's existing air quality rules by incorporating updated, codified federal regulations; incorporating by reference the revised federal National Ambient Air Quality Standards; and incorporating federal requirements for municipal solid waste landfills; 46 SDR 39, September 16, 2019.
<b>10-18-2019</b>	<b><u>South Dakota State Board of Dentistry (Department of Health):</u></b> Amend rules to incorporate the Integrated National Board Dental Examination; streamline and update requirements regarding clinical competency examinations; update supervision levels; update the duties and procedures performed by dental assistants and registered dental assistants; update registered dental assistant registration requirements and training program criteria; remove redundant regulations and obsolete provisions, and update references; update student exemption to registration; and update continuing education requirements applicable to registered dental assistants; 46 SDR 37, September 9, 2019.

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### **RULES REVIEW COMMITTEE MEETINGS**

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The final meeting of the Interim Rules Review Committee for the 2019 interim is Monday, November 4, 2019, at 10:00 a.m. CT in Room 414 of the Capitol.

Notices of 2019 Rules Review Committee meetings will be provided in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website.