

REGISTER



South Dakota Legislative Research Council

Volume 45

Monday, 8:00 a.m., October 15, 2018

GET COPIES OF PROPOSED RULES AND OTHER INFORMATION AT NO CHARGE at <https://rules.sd.gov> or by contacting the agency directly via the means outlined in their notice of hearing.

FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

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

Department of Game, Fish and Parks: (October 11, 2018) intends to amend rules to adjust the hunting season end date in Sica Hollow in Unit 48A to end on May 31; increase the number of resident one-tag male turkey licenses by 55 licenses and decrease the number of resident two-tag male turkey licenses by 150 licenses for the Prairie Units; change the turkey season to end on May 31; change the end of the turkey season for certain open units to end on May 31; reduce the daily limit of pintail ducks from two to one; change the Spring Light Goose Conservation Order which currently runs for 79 consecutive days beginning the day after Unit 2 dark goose season closes to now close on May 15; adjust the white-fronted goose season from 86 days to 74 days; eliminate the use of rifles while hunting turkey; increase the daily bag limit from two to three for white-fronted geese; expand the open unit for Sandhill Crane season by moving the eastern boundary farther east, from Highway 281 to Highways 25 and 81; allow for an elk license to be made for a raffle conducted by a nonprofit organization; introduce a new definition of a "modern cabin"

that would include beds, electricity, sewer and water; establish a per night rate for a "modern cabin"; increase the rental cost of the group lodge at Shadehill State Recreation Area; and establish use fees for the amphitheater at Good Earth State Park. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-11-5, 41-17-1.1, and 41-17-13.4.

A public hearing will be held at the Good Earth State Park, 26924 480th Avenue, Sioux Falls, South Dakota, on November 1, 2018, at 2:00 p.m. CT. Copies of the rules may be obtained without charge from and written comments sent to the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 E. Capitol, Pierre, SD 57501. The rules are also available online at <https://rules.sd.gov>; comments may be submitted on the department website at <http://gfp.sd.gov/forms/positions>. Material sent by mail or email must reach the department at least 72 hours prior to the date of the hearing 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf).

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

NOTE REGARDING ADOPTED 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

10-15-2018	Department of Social Services: Board of Social Work Examiners: Establish rules for the Assistant Behavior Analyst or Paraprofessional, and amend rules for Social Workers to remove language related to licensure by equivalency; update to the most recent code of ethics; remove the fee schedule for examinations not conducted by the department; revise language for continuing education to allow more hours via online providers; and remove prior Board approval for preparation or publication of a professional social work topic or paper; 45 SDR 43, September 24, 2018.
10-17-2018	Department of Human Services: Amend rules to reflect new federal mandates in the CHOICES waiver services program; 45 SDR 40, September 17, 2018.
10-18-2018	Department of Labor and Regulation: South Dakota State Plumbing Commission: Amend rules regulating plumbing installation practices as they relate to the 2015 SD Uniform Plumbing Code; and offset increasing expenditures to maintain operations; 45 SDR 44, September 24, 2018.
10-19-2018	Department of Health: South Dakota Board of Podiatry Examiners: Amend rules to update language relating to continuing education requirements; remove language regarding examinations by the Board; update language for qualifications of license applicants; update language for applicants holding an out of state license; replace verbiage of certificate of registration with license; remove antiquated language relating to officers of the Board; and update to the most recent version of the Code of Ethics of the American Podiatric Medical Association; 45 SDR 44, September 24, 2018.
10-19-2018	Department of Social Services: Amend rules to update terminology and other language to align with current practice and provide clarification; update citations; add categories of eligible providers for mental health services; clarify coverage for collateral contacts for mental health services; add child development to required orientation training for child care providers; establish a single method for the valuation of life estates for the Medicaid program; repeal duplicate rules; incorporate the reauthorized child care services block grant requirements into rule; replace annual submission of ICAPs within the CHOICES Medicaid waiver program with an ICAP submission requirement upon initiation of services as individual's needs change and every three years; and clarify annual redetermination requirements for the CHOICES waiver; 45 SDR 49, October 1, 2018.
10-22-2018	Department of Health: Amend rules to add newly emerging communicable diseases with public health impact to the Category II reportable diseases and condition list and clarify the methods of reporting; 45 SDR 48, October 1, 2018.
10-23-2018	Department of Health: South Dakota Board of Pharmacy: Amend rules to provide for an organized way of handling complaints and discipline for the Board of Pharmacy; 45 SDR 43, September 24, 2018.
10-23-2018	Department of Labor and Regulation: South Dakota Board of Accountancy: Amend rules to update references; add language to waive certain requirements; update definitions, program measurements, criteria and standards for continuing

	professional education; and repeal rules regarding the South Dakota peer review program; 45 SDR 55, October 9, 2018.
10-23-2018	Department of Labor and Regulation: South Dakota Board of Massage Therapy: Amend rules to increase annual fees from \$45 to \$65 per year and the initial license fee from \$75 to \$100 on massage therapists in South Dakota; 45 SDR 56, October 9, 2018.
10-25-2018	Department of Transportation: Amend rules to reduce the speed limit from 65 miles per hour to 55 miles per hour on State Trunk Highway 50 in and around Tabor; 45 SDR 48, October 1, 2018.
10-29-2018	Bureau of Human Resources: Civil Service Commission: Amend rules to list the probationary period in terms of months employed, not hours, and detail the application of a promotional salary increase during the probationary period; 45 SDR 48, October 1, 2018.
11-1-2018	Department of Agriculture: South Dakota Animal Industry Board: Amend rules to update definitions to more accurately reflect current terminology and modernize language of reference material; consolidate animal identification rules into one chapter; eliminate redundant language which is already outlined in national program guidance for disease control; update current language of reference material; allow for recognition of other state agency inspections already conducted on meat establishments; eliminate brucellosis test requirements for imported cervids and update identification language to align with federal guidance; and clarify animals subject to official testing require identification and responsibility for payment; 45 SDR 55, October 9, 2018.
11-1-2018	Department of Game, Fish and Parks: Amend rules to adjust the hunting season end date in Sica Hollow in Unit 48A to end on May 31; increase the number of resident one-tag male turkey licenses by 55 licenses and decrease the number of resident two-tag male turkey licenses by 150 licenses for the Prairie Units; change the turkey season to end on May 31; change the end of the turkey season for certain open units to end on May 31; reduce the daily limit of pintail ducks from two to one; change the Spring Light Goose Conservation Order which currently runs for 79 consecutive days beginning the day after Unit 2 dark goose season closes to now close on May 15; adjust the white-fronted goose season from 86 days to 74 days; eliminate the use of rifles while hunting turkey; increase the daily bag limit from two to three for white-fronted geese; expand the open unit for Sandhill Crane season by moving the eastern boundary farther east, from Highway 281 to Highways 25 and 81; allow for an elk license to be made for a raffle conducted by a nonprofit organization; introduce a new definition of a "modern cabin" that would include beds, electricity, sewer and water; establish a per night rate for a "modern cabin"; increase the rental cost of the group lodge at Shadehill State Recreation Area; and establish use fees for the amphitheater at Good Earth State Park; 45 SDR 60, October 15, 2018.
11-1-2018	Department of Revenue: Amend rules to repeal obsolete rules; include language referencing electronic licensure capabilities; clarify that the on-line requirements exception pertains to manufactured home dealers; remove a reference to a department title process that was discontinued based on statutory requirements; increase a title fee to conform with the statutory increase; eliminate outdated practices and redundant rules; conform with changes in statute and comply with style and form guidelines; require title applicants to submit related federal licensure

	material; and combine or replace related provisions and repeal redundant chapters; 45 SDR 56, October 9, 2018.
11-7-2018	Office of the Attorney General: Law Enforcement Officers Standards and Training Commission: Amend rules to authorize individuals to receive a license as a polygraph examiner by completing a course of study at a school certified by the American Association of Police Polygraphists; 45 SDR 56, October 9, 2018.

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2018 Interim is November 20, 2018, at 10:00 a.m. in Room 414 of the State 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>.