

REGISTER



South Dakota Legislative Research Council

Volume 34

Monday, 8:00 a.m., October 29, 2007

NOTICES OF PROPOSED RULES: (None)

Filed: October 25, 2007
Effective: November 14, 2007

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointment:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:15:03:08, 24:15:03:10; 24:43:01:01; 24:43:02:02, 24:43:02:08; and 24:43:09:03.

Bradley Johnson, Watertown, was reappointed on October 18, 2007, to the **Board of Water and Natural Resources**, effective immediately and shall continue until June 30, 2011.

History-Notice: 34 SDR 77, Sept. 10, 2007
Hearing: September 24, 2007
Filed: October 25, 2007
Effective: November 14, 2007

Note: A copy of the rules may be obtained directly from the above agencies. 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.

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF MINERALS AND ENVIRONMENT: 74:10:09:12.

History-Notice: 34 SDR 55, August 13, 2007
Hearing: September 19, 2007

REMINDER OF HEARINGS SCHEDULED

11-1-2007	Game, Fish and Parks	Amend or adopt rules to increase the fee for a transferable annual park license from \$45 to \$60, increase the cost of an unattended park entrance license from \$8 to \$10 in all areas other than Custer State Park where the cost of an unattended park entrance license already is \$10, and increase the dollar amount an individual can apply toward the purchase of an annual park entrance license from \$5 to \$7 except in Custer State Park where individuals already have this option; increase the basic campground fee from \$6 per night to \$8 per night, modern campground fee from \$8 per night to \$10 per night, equestrian campground fee from \$8 per night to \$10 per night,
-----------	----------------------	--

	<p>preferred campground fee from \$10 per night to \$12 per night, prime campground fee from \$12 per night to \$14 per night, camping cabin fee from \$32 per night to \$35 per night except at Lewis and Clark, Chief White Crane and Pierson Ranch where the rate would increase from \$37 per night to \$40 per night, group lodging fee from \$110 per night to \$135 per night at Mina Lake and Shadehill and from \$175 per night to \$200 per night at Lake Thompson and Newton Hills, and establish the per night lodging at the Palisades Lodge at \$200 per night; increase the annual trail user fee from \$10 to \$15 and daily trail user fee from \$2 to \$3 for the George S. Mickelson Trail; create an exception to the state small game transportation permit requirement for an individual transporting another person's legally taken migratory game birds tagged in the manner required by federal regulation; modify the commission rule pertaining to the South Dakota/Nebraska reciprocal access agreement to include all legal fishing methods specified in the agreement; change the dates of fishing seasons for creeks, streams and rivers in certain northeastern South Dakota counties as the Saturday closest to April 21 through December 31, inclusive; remove out-of-date special limit restrictions for walleye, sauger, and walleye-sauger hybrids on Lake Oahe, remove Orman Dam from the list of lakes subject to a 14-inch maximum length limit for walleye, sauger, and walleye-sauger hybrids, add Curlew Lake to the list of waters with a 15-inch minimum length limit for largemouth bass, add Reetz, Horseshoe, and Waubay Lakes, all in Day County, to the list of waters with a 12 to 18 inch protected slot for largemouth and smallmouth bass, with a combined daily limit of three fish and no more than one fish being 18 inches or greater in length, change the length limits for the protected slot for smallmouth bass in Lake Sharpe from 12 to 18 inches to 14 to 18 inches, revise the limits for South Dakota/Iowa boundary waters to make the daily and possession limits the same as those established for species in inland waters with the exception</p>
--	--

		<p>of catfish (daily limit of 15 and possession limit of 30) and closing the season for sturgeon and paddlefish; increase the number of resident paddlefish tags by 200 to a total of 1,550 tags, change the season from the current 30 consecutive days starting October 1, to October 1 through October 31, inclusive, and allow Nebraska residents licensed to fish in Nebraska or who are exempt from having to comply with Nebraska licensing requirements to use a South Dakota non-resident paddlefish tag without having to purchase a South Dakota non-resident fishing license; change the starting date for spearing rough fish in certain northeastern South Dakota counties from the last Saturday in April to the Saturday closest to April 21, change season dates and open areas for spearing game fish on Lakes Francis Case, Sharpe, Oahe, Belle Fourche, Angustora and Pactola (excluding salmonids in Pactola), and the Eastern South Dakota spearing lakes, add sturgeon as an exception to spearing along with paddlefish, and specify gear for taking game fish as legal spearguns and spears (removes archery), and repeal the specific rule which allows spearing of largemouth bass in Pactola Reservoir since other proposed changes to the spearing rules will allow spearing of game fish (except salmonids) in Pactola Lake; declare catfish taken from the inland waters of the Missouri River and its impoundments to be rough fish and delete "after December 31, 1991" at the end of the last sentence of the current rule, limit to two the number of set lines that can be used in South Dakota/Nebraska boundary waters, and clarify that the 15-inch minimum length limit for catfish caught on South Dakota/Nebraska boundary waters is for catfish caught on setlines only; remove Lake Andes North Unit in Charles Mix County from the list of waters open to taking of bait other than from May 1 through July 31; clarify that a person who has been issued a permit to hunt by falconry or a person accompanying the permittee may lawfully carry a pistol while hunting if in possession of a valid concealed pistol permit issued pursuant to state law; provide that a</p>
--	--	---

		<p>private fish hatchery licensee who submits a license renewal application does not have to prove compliance with the criteria for approval of the application if the hatchery facility and the waters included therein remain unchanged from the application approved in the preceding year; remove the exception of white suckers, creek chubs, fathead minnows, and golden shiners from the requirement for a fish importation permit, meaning no fish species used as bait could be imported into South Dakota without a permit; establish a definition of "blind or visually impaired," include blind or visually impaired persons in the legal definition of "total disability," thus making such persons eligible for reduced fee resident small game and fishing licenses, require a person seeking "blind or visually impaired" status to provide the Department with a written statement in support of the person's qualification for that status from a licensed physician or board licensed optometrist, and establish a definition for a "designated shooter permit" and the authorities, limitations and conditions of the designated shooter permit; and specifically prohibit catch and release tournaments for walleye and salmon from June 1 through September 15, rather than listing the prohibition as a special condition of approval and issuance of a fishing tournament permit; 34 SDR 105.</p>
11-5-2007	Health: Health and Medical Services	<p>Amend rules that will enhance preparedness for influenza pandemic and improve the responses to other Notifiable Diseases; 34 SDR 100.</p>
11-8-2007	Social Services: Medical Services	<p>Amend rules relating to psychiatric residential treatment to delete the definition of "care manager"; define the terms "certification team," "DSM-IV," and "placing agency"; no longer allow Title XIX reimbursement for group care centers providing residential treatment; allow reimbursement to an out-of-state psychiatric residential treatment facility that obtains certain, specified accreditation from the Joint Commission, the Council on Accreditation, or the Commission on Accreditation of Rehabilitation Facilities; if treatment begins before the individual reaches</p>

		<p>age 21, allow the treatment to continue to be a covered service until the date it is no longer needed or the date the individual reaches age 22, whichever occurs earlier; specify that the state review team and the certification team must determine that the conditions of eligibility have been met for admission to and treatment in a psychiatric residential treatment facility; require certain state agencies to have representatives on the state review team; specify the responsibilities of the state review team; require the certification team to have at least one medical doctor and require that all team members be knowledgeable about the diagnosis and treatment of the mental illnesses of children; list the responsibilities of the certification team; establish a list of DSM-IV diagnostic codes recognized for treatment and specify that an individual must be experiencing problems relating to the individual's DSM-IV diagnosis; require the certification team to prior approve an individual's admission to a facility and, for emergency admissions, allow the certification team to complete its review on the first working day following the admission; require a provider to notify a child's placing agency in advance of treatment team meetings and within 24 hours of the occurrence of certain, specified incidents; delete references to group care centers; require the certification team to approve an individual's continuous and uninterrupted stay in a facility if certain conditions are met; limit covered services to those authorized by the certification team; specify that reimbursement for the day of discharge, days the individual is in a juvenile detention center, and days when the individual is absent for non-medical reasons are not reimbursable; specify that services will be terminated if the certification team determines that the individual has reached maximum potential, the facility failed to provide necessary documentation, or the individual is no longer eligible; base a provider's rate of payment on cost data; allow a claim to be submitted electronically; and specify the procedure code that must be used if submitting a claim for services; 34 SDR 115.</p>
--	--	--

11-9-2007	Revenue and Regulation: Division of Insurance	Amend rules to exempt conversion sales among affiliates from the life replacement requirement; revise the standards for producer licensing and continuing education provider transactions with the division; require prominent and clear disclosures in any policy or certificate of specified disease, short-term hospital-surgical care of six months or less duration, hospital confinement indemnity, or limited benefit health insurance, and clarify the interpretation of policies that are cancelled by the carrier when an individual premium payment is received from an employer; 34 SDR 115.
11-9-2007	Revenue and Regulation: Banking Commission	Repeal current rules regarding loans to bank officers; reduce the time period that banks can hold overdrafts on their books as an asset; allow other retention methods for records required to be kept by banks; repeal the rules related to remote electronic banking as the law implemented for each rule was previously repealed; make the references to responsible parties consistent for mortgage lending entity applicants; add a reference to the right of a hearing to contest the denial of a license or registration based upon the results of the required criminal background investigation; provide for bond forms that reflect the name of an individual in addition to forms that reflect the name of an entity and language necessary only for the implementation of SB 165 will be deleted; 34 SDR 116.
11-14-2007	Human Services: Rehabilitation Services	Amend rules that will add new definitions, clarify and expand the covered services to include implants in both ears, clarify and expand the eligibility criteria to include individuals through age 20 with one existing implant or an individual through age 20 with a documented progressive hearing loss leading to deafness after speech and language have developed, and clarify the application process; 34 SDR 105.
11-16-2007	Public Safety: Emergency Medical Services	Amend rules to define terms, update equipment requirements for all ambulance services, and to eliminate the Medical Air Transport level of licensing for air ambulance services; 34 SDR 115.

RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held Tuesday, December 4, 2007, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2007 interim: January 7, 2008.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 34 are \$25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).