

# REGISTER

*South Dakota Legislative Research Council*



*Volume 37*

*Monday, 8:00 a.m., November 1, 2010*

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

***Department of Health: Board of Chiropractic Examiners:*** (October 25, 2010) intends to amend rules to delete language regarding inactive chiropractor from the definitions; update educational institution requirements and delete obsolete information regarding the same; clarify rules for reciprocity provisions; update rules for reactivation of inactive license; establish a rule for activating a lapsed license; modify language regarding inactive license fee; amend a rule regarding Code of Ethics and update disciplinary procedures. The general authority for these rules, as cited by the board, is SDCL 36-5-4, 36-5-10, 36-5-12, 36-5-13, 36-5-14.1, 36-5-14.2, 36-5-15.2, and 36-5-20.

A public hearing will be held in the meeting room of the Comfort Inn South, 3216 South Carolyn Avenue, Sioux Falls, South Dakota, on December 4, 2010, at 8:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Chiropractic Examiners, 407 Belmont Avenue, Yankton, South Dakota 57078. Written comments must be received by November 29, 2010, to be considered. Copies of the proposed rules may also be obtained without charge at the board's website: <http://chiropractic.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) 668-9017 at least forty-eight hours before the hearing.

***Department of Agriculture: South Dakota Oilseeds Council:*** (October 27, 2010) intends to amend rules to update the collection, remittance, enforcement, and refund procedures for the Oilseeds Council. The general authority for these rules, as cited by the department, is SDCL 1-26-15, 38-27-8.1, 38-27-14, and 38-27-16.

A public hearing will be held in the DENR Large Conference Room, first floor, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on December 1, 2010, at 2:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to South Dakota Oilseeds Council, P.O. Box 667, 116 N. Euclid Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by November 30, 2010, 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) 773-3375 at least 48 hours before the public hearing.

***Department of Education: Board of Education:*** (October 28, 2010) intends to amend a rule to require the curriculum must provide not less than 15 semester credits in general education and not less than 50 percent of the credit hours in technical education. The general authority for this rule, as cited by the board, is SDCL 13-39-37.

A public hearing will be held at Mitchell Technical Institute, South Campus Technology Center (the Amphitheater), 800 East Spruce, Mitchell, South Dakota, on November 29, 2010, at 1:00 p.m. CT. Copies of the proposed rule

may be obtained without charge from the Department of Education, South Dakota Board of Education, 800 Governors Drive, Pierre, South Dakota 57501-2291 or from the Internet at <http://www.doe.sd.gov/board/index.asp>.

Written comments may be sent to the board at the address above and must be received by November 22, 2010, 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) 773-5669 at least 48 hours before the hearing.

#### **NOTICE:**

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning South Dakota Medicaid's Income and Eligibility Verification System effective date of October 1, 2010. The proposed State Plan Amendment (SPA) is to amend Section 4.32 of the State Plan, to add language as required by the Centers for Medicare and Medicaid Services. The federally-mandated language attests to South Dakota's compliance with the provisions of section 3 of the Qualifying Individual Program Supplemental Funding Act of 2008. That Act amended 1903(r) of the Social Security Act to require that states participate in the Public Assistance Reporting Information System (PARIS) or its successors. There is no Federal fiscal impact associated with this amendment. Copies of the plan revisions are 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 the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

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

##### **Executive Order:**

The Governor has signed **Executive Order 2010-39** dated October 25, 2010. This order declares a state of emergency for Brookings, Lake, Moody, and Union Counties in South Dakota due to late summer severe weather with extremely heavy rainfall. The corresponding flooding has caused widespread damage to infrastructure and property. Resources within state government will be made available to support county government to restore power.

#### **JOINT POWERS AGREEMENT ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:**

Parties:	<b>Department of Agriculture and the following counties: Clay, Edmunds, Marshall and Turner</b>
Purpose:	Fire Protection
Financing:	Appropriation from Legislature and Fire Suppression Fund
Organization:	None created
Duration:	April 2010 until terminated by 60 day written notice

Copies of the agreements are on file with the Legislative Research Council and may be copied or reviewed during normal business hours.

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.

**REMINDER OF HEARINGS SCHEDULED**

11-2-2010	Social Services: Medical Programs	Amend ICF-MR/DD rules to amend definitions; update utilization review provisions; clarify that payment will not be allowed for reserved bed days; remove obsolete ICAP and on-site review requirements; and remove unnecessary and duplicative claim requirements; 37 SDR 81.
11-4-2010	Game, Fish and Parks	Amend a Park Licenses rule to eliminate the Custer State Park "per person" temporary park entrance license and extend the Custer State Park temporary motorcycle park entrance license valid during the Sturgis Motorcycle Rally into a year round license; amend Camping Permits and Rules to increase the daily camping fee in all state park area campgrounds by \$2; increase park lodge fees by \$25; increase the fee to reserve a group picnic shelter from \$9 to \$20; and change the campground designation at West Bend and Randall Creek from modern to preferred based on campground occupancy rates; amend General Provisions (Fishing Seasons and Methods) rules to update the definition of the "Black Hills Trout Management Area;" add a nonresident youth fishing license and game fish spearing and archery certification permit and establish the fee for each; standardize ice fishing shelter removal dates statewide by aligning the date with the end of the spearing season; and authorize liberalized taking of lake herring along with smelt in the Missouri River and its impoundments and transfer this rule from the chapter on fish limits to the general provisions chapter; amend Fish Limits rules to standardize panfish limits statewide; change daily and possession limits for yellow perch on South Dakota-Minnesota boundary waters to be consistent with South Dakota inland water changes and Minnesota border water regulations; and transfer the rule authorizing liberalized take of smelt from the fish limits rule to the general provisions rule and remove the rule which establishes special management waters for panfish; amend Spearing rules to change spearing dates for rough fish to allow

		spearing year round; change spearing dates for rough fish in South Dakota-Minnesota boundary waters to any time of the day or night from May 1 to the last Sunday in February, inclusive; and repeal the special rule pertaining to spearing of rough fish in certain northeastern South Dakota counties; amend a Hoop Nets and Setlines rule to remove toads as authorized bait for setlines and make leopard frogs the only authorized species of frogs that may be used as bait on tagged setlines; amend Bait rules to change the expiration date for bait dealer licenses to January 31 of the calendar year directly following the year for which the license was issued; add Interstate Lake to the list of waters closed to commercial taking of bait; and establish the physical location where bait dealers are required to keep their bait records available for inspection by department personnel; and amend Private Fish Hatcheries rules to add language giving the department flexibility to exempt newly created waters under private fish hatchery licenses from payment of the one-time inspection fee; change the expiration date for private hatchery licenses to January 31 of the calendar year directly following the year for which the license was issued; establish the physical location where private hatchery licenses are required to keep their hatchery records available for inspection by department personnel; and add rule language which specifies when payments are due for fish health inspections; 37 SDR 81.
11-17-2010	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt rules to establish a county coroner training program; 37 SDR 67.
11-29-2010	Education: Board of Education	Amend a rule to require the curriculum must provide not less than 15 semester credits in general education and not less than 50 percent of the credit hours in technical education; 37 SDR 93.
12-1-2010	Agriculture: South Dakota Oilseeds Council	Amend rules to update the collection, remittance, enforcement, and refund procedures for the Oilseeds Council; 37 SDR 93.
12-4-2010	Health: Board of Chiropractic Examiners	Amend rules to delete language regarding inactive chiropractor from the definitions;

		update educational institution requirements and delete obsolete information regarding the same; clarify rules for reciprocity provisions; update rules for reactivation of inactive license; establish a rule for activating a lapsed license; modify language regarding inactive license fee; amend a rule regarding Code of Ethics and update disciplinary procedures; 37 SDR 93.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 17, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: December 20.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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