

REGISTER



South Dakota Legislative Research Council

Volume 43

Monday, 8:00 a.m., October 17, 2016

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 Education: Board of Education: (October 11, 2016) intends to amend a Share Services Grants rule to make it clear that individual school districts will be reimbursed for expenses in order to ensure accurate accounting documentation of grant funds. The general authority for this rule, as cited by the board, is SDCL § 13-15-1.4.

A public hearing will be held at the Southeast Technical Institute, Mickelson Center, MC101, 2320 B Career Ave., Sioux Falls, South Dakota, on November 15, 2016, at 10:00 a.m. CST. Copies of the proposed rule may be obtained without charge from the Department of Education, Attn: Ferne Haddock, 800 Governors Drive, Pierre, SD 57501 or at <http://www.doe.sd.gov/board/index.aspx>. Written comments may be sent to the board at the address above or at this website: <https://rules.sd.gov/default.aspx>. Material sent by mail must be received by November 14, 2016, 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) 773-3553 at least 48 hours before the hearing.

Department of Labor and Regulation: Board of Technical Professions: (October 11, 2016) intends to amend a rule to add deadlines for national examinations that will be moved to

computer based testing (CBT). The general authority for this rule, as cited by the board, is SDCL § 36-18A-22.

A public hearing will be held in Suite 211, Clock Tower Plaza, 2525 W. Main Street, Rapid City, South Dakota, on November 4, 2016, at 10:00 a.m. MDT. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Board of Technical Professions, 2525 W. Main, Suite 211, Rapid City, SD 57702-2439. Written comments must be received by November 4, 2016, to be considered. 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) 394-2510 at least 48 hours before the hearing.

Department of Game, Fish, and Parks: (October 14, 2016) intends to amend a Uses of Parks and Public Lands rule to allow for removal of shed antlers from state-owned lands; amend Spring Wild Turkey Hunting Season rules to set the number and types of licenses available for the Prairie Units, make adjustments to the Black Hill and Unit 49A (Meade County) unit boundaries as outlined in the South Dakota Wild Turkey Management Plan, 2016-2020, set the number of archery turkey access permits for Adams Homestead and Nature Preserve, and remove the language in rule depicting the license type and number of licenses from each hunting unit; amend Fishing Seasons and Methods rules to allow anglers to keep a legally caught possession limit of fish while on the ice, allow anglers to clean fish species, while on the ice, that do not have water-specific size restrictions, and require that fish possessed on the ice adhere to the transportation

rule that requires fish to be readily countable; and amend Aquatic Invasive Species rules to add Red Swamp Crayfish to the list of invertebrate aquatic invasive species, allow for the transport of aquatic invasive species by an employee of a business that has been approved by the department to transport a boat or motorboat to a facility for the purpose of aquatic invasive species removal, and allow a person who has been authorized by the department to transport their own watercraft to a department-approved facility for immediate decontamination, remove the exception in rule that allows all drain plugs, bailers or valves in trailered boats to be closed or remain in place during transport from a boat ramp parking area to an immediately-adjacent fish cleaning station, and remove the exception in rule that allows fish or aquatic bait to be transported in water obtained from a lake, river, or stream from a boat ramp parking area to an immediately-adjacent fish cleaning station. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Holiday Inn Express, 1103 N. Splitrock Blvd., Brandon, South Dakota, on November 3, 2016, at 2:00 p.m. CST. Copies of the proposed rules may be obtained from and written comments sent to the office of the Secretary of the Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. Written comments must be received by and in the office of the Secretary of the Department of Game, Fish and Parks on or before 12:00 p.m. on the date of the hearing. Comments may also be sent by email to either wildinfo@state.sd.us or gfpadminrules@state.sd.us. All written and email comments must include the commenter's

name, home town/city, and state. 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) before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:10:47:04, 24:10:47:05, 24:10:47:07, and 24:10:47:10.

History-Notice: 43 SDR 21, August 15, 2016
Hearing: September 20, 2016
Filed: October 11, 2016
Effective: October 31, 2016

Executive Order:

The Governor has signed **Executive Order 2016-07** dated October 11, 2016. This order declares that the Bureau of Administration Maintenance Building be renamed the Paul Kinsman Building to honor him for his success, sacrifice, and years of dedicated service to the State of South Dakota.

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 Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

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| 10-18-2016 | Office of the Secretary of State: Board of Finance Amend rules to remove the signature definition in order to facilitate electronic signatures, |
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| | update an obsolete statute reference, and change the minimum salary grade threshold to match the current general pay structure; 43 SDR 35, September 6, 2016. |
| 10-21-2016 | Department of Social Services: Division of Behavioral Health Amend rules to repeal Article 46:05 Substance use disorders and rewrite as Article 67:61 under the department; repeal Article 46:20 Mental health and rewrite as Article 67:62. Overall, duplicative language, outdated terms, and language no longer current were removed; "Alcohol and Drug Abuse" was updated to "Substance Use Disorder" or SUD; align the Articles; update to the current diagnostic manual DSM-5; add telemedicine as a reimbursable service; better detail client rights; revise treatment plan timeframes to better match the structure of programs; update dietary guidelines; add sentinel effect notifications; clarify certain accreditation requirements; and update the life safety code; 43 SDR 55, October 3, 2016. |
| 10-21-2016 | Department of Social Services: Division of Medical Services Amend rules to update definitions and other language, clarify coverage of certain services, implement ambulatory payment classification reimbursement methodology, update substance abuse rule references to reflect the new articles, update the national provider identification number requirements for reimbursement, move and update the substance use disorder provisions from Human Services to Social Services, and allow for in-state liver transplant option; 43 SDR 56, October 3, 2016. |
| 10-24-2016 | Department of Labor and Regulation: Division of Insurance Amend a rule to adopt the National Association of Insurance Commissioners' Valuation Manual; 43 SDR 61, October 11, 2016. |
| 10-25-2016 | Department of Agriculture: Division of Agricultural Services Amend rules to maintain compliance in the dairy industry at the farm and plant level to meet Grade "A" requirements and maintain interstate shipment of milk and milk products as determined by FDA Milk Safety Branch and update references; adopt current seed inspection procedures and update references to the Rules for Testing Seed; require that protective spill equipment be used to unload commercial fertilizer and update references to publications; 43 SDR 61, October 11, 2016. |
| 10-26-2016 | Bureau of Human Resources: Civil Service Commission Amend a rule to allow an out-of-state law enforcement officer, who is currently certified or has been in the last two years, to be placed on the requisition list without taking a written exam and specify the appointing authority shall determine the minimum score for the written exam; 43 SDR 55, October 3, 2016. |
| 10-27-2016 | Department of Transportation Amend rules to add a definition of "wireless infrastructure" that apply to utility accommodations in noninterstate rights-of-way, prohibit installation of wireless infrastructure in the noninterstate highway right-of-way, include the statement that installation of wireless infrastructure in the interstate highway right-of-way is prohibited, and make the definition of wireless infrastructure that is proposed for utility accommodations in noninterstate right-of-way also apply to utility accommodations in interstate right-of-way; 43 SDR 56, October 3, 2016. |
| 11-3-2016 | Department of Game, Fish, and Parks Amend a Uses of Parks and Public Lands rule to allow for removal of shed antlers from state-owned lands; amend Spring Wild Turkey Hunting Season rules to set the number and types of licenses available for the Prairie Units, make adjustments to the Black Hill and Unit 49A (Meade County) unit boundaries as outlined in the South Dakota Wild Turkey Management Plan, 2016-2020, set the number of archery turkey access permits for |

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| | Adams Homestead and Nature Preserve, and remove the language in rule depicting the license type and number of licenses from each hunting unit; amend Fishing Seasons and Methods rules to allow anglers to keep a legally caught possession limit of fish while on the ice, allow anglers to clean fish species, while on the ice, that do not have water-specific size restrictions, and require that fish possessed on the ice adhere to the transportation rule that requires fish to be readily countable; and amend Aquatic Invasive Species rules to add Red Swamp Crayfish to the list of invertebrate aquatic invasive species, allow for the transport of aquatic invasive species by an employee of a business that has been approved by the department to transport a boat or motorboat to a facility for the purpose of aquatic invasive species removal, and allow a person who has been authorized by the department to transport their own watercraft to a department-approved facility for immediate decontamination, remove the exception in rule that allows all drain plugs, bailers or valves in trailered boats to be closed or remain in place during transport from a boat ramp parking area to an immediately-adjacent fish cleaning station, and remove the exception in rule that allows fish or aquatic bait to be transported in water obtained from a lake, river, or stream from a boat ramp parking area to an immediately-adjacent fish cleaning station; 43 SDR 65, October 17, 2016. |
| 11-4-2016 | Department of Labor and Regulation: Board of Technical Professions Amend a rule to add deadlines for national examinations that will be moved to computer based testing (CBT); 43 SDR 65, October 17, 2016. |
| 11-15-2016 | Department of Education: Board of Education Amend a Share Services Grants rule to make it clear that individual school districts will be reimbursed for expenses in order to ensure accurate accounting documentation of grant funds; 43 SDR 65, October 17, 2016. |

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held on Monday, November 14, 2016, in Room 414, Fourth Floor 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>.