

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., November 3, 2014

NOTICE 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 27, 2014) intends to amend rules to update requirements for individuals not immediately seeking licensure after graduation; modify requirements for activating an inactive or lapsed chiropractic license; establish a rule for activating a lapsed chiropractic radiographic and chiropractic assistant certificate; modify continuing education requirements for chiropractic radiographic and chiropractic assistant certifications; and update reference material for peer review process. The general authority for these rules, as cited by the board, is SDCL §§ 36-5-4, 36-5-10, 36-5-12, 36-5-14.2, 36-5-15.2, 36-5-15.3, 36-5-19, 36-5-24, and 36-5-25.

A public hearing will be held at the Americinn Lodge and Suites, Hospitality Room, 1981 East King Street, Chamberlain, South Dakota, on December 6, 2014, 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 December 4, 2014, to be considered. Copies of the proposed rules may also be obtained without charge at the board's website at <http://chiropractic.sd.gov> or <http://rules.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 Health: Division of Health Systems Development and Regulation:

(October 28, 2014) intends to amend a rule to provide additional optional services for assisted living centers to assist residents dependent on dining assistance and to allow to provide assistance to complete activities of daily living up to total assist and to turn and raise in bed and to transfer. The general authority for this rule, as cited by the department, is SDCL § 34-12-13.

A public hearing will be held at the Health Laboratory Building, 615 East 4th Street, Pierre, South Dakota, on November 24, 2014, at 10:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rule may also be obtained at the Health Department website at <http://doh.sd.gov/News> or <http://rules.sd.gov>. Material sent by mail must reach the department by December 4, 2014, 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) 773-3361 at least 48 hours before the hearing.

Department of Social Services: Division of Child Support: (October 29, 2014) intends to amend rules to update certain terminology to reflect current language and practice. The general authority for these rules, as cited by the department, is SDCL §§ 25-7A-56, 28-1-66, 28-7A-3, and 32-12-116.

A public hearing will be held in the Kneip Conference Room 1, Kneip Office Building,

700 Governors Drive, Pierre, South Dakota, on November 24, 2014, at 3:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Teresa Schulte, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501 or by emailing DSSAdminRules@state.sd.us. Copies of the proposed rules are also available at: <http://rules.sd.gov>. Written comments must be received by December 4, 2014, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. 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) 773-3165 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Order:

The Governor has signed **Executive Order 2014-12** dated October 29, 2014. This order declares that the offices for state government, within the executive branch, shall be administratively closed on Friday, November 28, 2014, and Friday, December 26, 2014.

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

11-6-2014	Game, Fish and Parks	Amend rules that would modify the "diver-down flag requirements" by changing flag size requirements and restricting diver-down flags from being placed in areas that would restrict watercraft navigation; adjust the nonrefundable application fee for elk, mountain goat, and bighorn sheep from \$5 to \$10; prohibit baiting from March 15 through May 31, inclusive, and create an exception for research activities conducted by the Department; offer residents 85 less one-tag "male turkey" licenses and 340 less two-tag "male turkey" licenses for the Prairie Units; offer nonresidents 10 more one-tag "male turkey" licenses and 28 less two-tag "male turkey" licenses for the Prairie Units; correct unit boundary descriptions for BST-BH1 (Black Hills) and PST-53A (Perkins County); remove the archery restriction west of Interstate 29 in Brookings County; remove the split seasons in Clay and Union counties; add Lincoln County to the restricted area
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		<p>where a person may use only a shotgun using shot shells, muzzleloading shotgun, or bow and arrow; reduce the number of archery turkey access permits valid for Good Earth State Park from 10 to 5, and repeal Unit PST-ZZ1; modify the definition of "Inland waters"; add a definition for "snag hook" and modify the definition of "snagging" accordingly; allow the use of artificial lights for fishing, and allow for the liberalized take of silver carp and bighead carp that jump into a boat or that can be netted using a dip net; change the channel catfish daily and possession limits on Nebraska border waters; correct the county references for Hanson Lake and Curlew Lake; clarify the manner in which paddlefish taken below Gavin's Point Dam are to be measured for purposes of the established length restriction; modify the rules pertaining to areas open to the spearing of game fish; prohibit the harvest of mussels for noncommercial purposes; require listing all wild animal (including amphibians, reptiles, and invertebrates, and parts thereof) specimen collection requests on applications for scientific collector's permits; add all wild animals (including amphibians, reptiles, and invertebrates, and parts thereof) to the list of specimens for which limits on the number of specimens and special conditions and provisions can be established; 41 SDR 67, October 14, 2014.</p>
11-17-2014	Education: Board of Education	<p>Amend rules to create consistent language between teacher and principal evaluation rules in regard to the summative effectiveness rating; and establish a process by which principals must be evaluated by the 2016-2017 school year; 41 SDR 63, October 6, 2014.</p>
11-17-2014	Health: Division of Health and Medical Services	<p>Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel and ensure NBS specimens will not be used for any purpose other than for newborn screening for which that they were collected and remove language conflicting with current protocols and stand operating procedures for the services of a centralized designated contract laboratory for newborn screening; 41 SDR 73, October 20, 2014.</p>

11-24-2014	Health: Division of Health Systems Development and Regulation	Amend a rule to provide additional optional services for assisted living centers to assist residents dependent on dining assistance and to allow to provide assistance to complete activities of daily living up to total assist and to turn and raise in bed and to transfer; 41 SDR 83, November 3, 2014.
11-24-2014	Social Services: Division of Child Support	Amend rules to update certain terminology to reflect current language and practice; 41 SDR 83, November 3, 2014.
12-3-2014	Environment and Natural Resources: Water Management Board	Amend Surface Water Quality rules to update legal and technical references; add, modify, and delete definitions; set site-specific total suspended solids criteria for the Cheyenne River and water temperature criteria for streams in the Black Hills Trout Management Area; and update toxic pollutant criteria to be consistent with U.S. Environmental Protection Agency criteria to include establishing a standard for methylmercury at 0.3 mg/kg in fish flesh; reformat a chapter to a single table to reduce the number of pages and words; add Lake Alexander in Pennington County, an unnamed lake west of Bristol in Day County, and Antelope and Indian Springs Lakes in Clark County; correct typographical errors; assign immersion recreation use to the North Fork Grand River and a segment of the South Fork Grand River; update the segment breaks to reflect current highway designations for American Crow Creek in Lyman County, Hidewood and North Deer Creeks in Deuel County, and Bear Butte Creek in Meade County; remove the seasonal coldwater marginal fish life propagation use from Fall River in Fall River County and extend the warmwater permanent fish life propagation use for Fall River from the Cheyenne River to its confluence with Cold and Hot Brook Creeks; change the coldwater marginal fish life propagation use to warmwater permanent fish life propagation for both Cold and Hot Brook Creeks in Fall River County; remove the immersion recreation use from a segment of Spring Creek in Pennington County; and add the immersion recreation use to sections of the North Fork and South Fork Grand River in Perkins and Harding Counties; 41 SDR 73,

		October 20, 2014.
12-6-2014	Health: Board of Chiropractic Examiners	Amend rules to update requirements for individuals not immediately seeking licensure after graduation; modify requirements for activating an inactive or lapsed chiropractic license; establish a rule for activating a lapsed chiropractic radiographic and chiropractic assistant certificate; modify continuing education requirements for chiropractic radiographic and chiropractic assistant certifications; and update reference material for peer review process; 41 SDR 83; November 3, 2014.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Wednesday, November 12, 2014, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Mitchell – Mitchell Technical Institute, 1800 E. Spruce, Room TC 155; Rapid City – SD School of Mines & Technology, 501 E. St. Joseph St., Room CB 109; and Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 145. The committee chair has set the following tentative meeting schedule for the 2014 interim: December 16.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

