REGISTER

South Dakota Legislative Research Council

Volume 40 *Monday, 8:00 a.m., November 18, 2013*

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

Department of Game, Fish and Parks:
(November 14, 2013) intends to amend a Uses of Parks and Public Lands rule to create an exception to the prohibition against uncased firearms and bows in Oahe Downstream Recreation Area for persons who possess a valid turkey license for Unit PST-58B and change a reference from "Blood Run Nature Area" to "Good Earth State Park"; amend Spring Wild Turkey Hunting Season rules to change the number and type of licenses available, set the season dates, and change a reference from "Blood Run Nature Area" to "Good Earth State Park"; amend a Private Shooting Preserves rule to remove the restriction on releasing only chukar partridge and allow any species of partridge to be released; and amend Captive Game Birds rules to remove the restrictions on propagating, possessing, selling, offering for sale, or releasing from captivity only "Chukar" or "Hungarian" partridge and make the rule applicable to any species of partridge. 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 Plains Ballroom, 960 4th Street NE, Huron, South Dakota, on December 5, 2013, at 2:00 p.m. (CST). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. 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. three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by email to Wildinfo@state.sd.us. All written and email comments must include the commenter's name and address. 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) 773-3387 before the hearing.

NOTICE:

The **South Dakota Lottery** is ending instant ticket game numbers 435 – Cool Cash, 431 –Hot Hand Hold 'Em, 446 – The Three Stooges, 451 – Plants VS Zombies, 443 – A Christmas Story, and 439 – Money Bag Slingo. The last day that prizes will be paid for these games is July 13, 2014.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:
74:05:05:18.

History-Notice:	40 SDR 35, August 19, 2013
Hearing:	September 27, 2013
Filed:	November 12, 2013
Effective:	December 2, 2013

DEPARTMENT OF REVENUE: COMMISSION ON GAMING:
20:18:12.01:07, 20:18:12.01:14; 20:18:15:01.01, 20:18:15:03, 20:18:15:30.08; 20:18:16:02, 20:18:16:11, 20:18:16:11.03,

20:18:16:15.01, 20:18:16:15.16; 20:18:17:01, 20:18:17:20, 20:18:17:24.11, 20:18:17:24.12, 20:18:17:24.15, 20:18:17:28, 20:18:17:42; 20:18:18:11; 20:18:19:01; and 20:18:29:05.

History-Notice: 40 SDR 35, August 19, 2013
Hearing: September 11, 2013
Filed: November 12, 2013
Effective: December 2, 2013

DEPARTMENT OF HUMAN SERVICES: DIVISION OF DEVELOPMENTAL DISABILITIES: Article 46:10; 46:11:01:01, 46:11:01:02; 46:11:02:01 to 46:11:02:20, inclusive; 46:11:03:00 to 46:11:03:11, inclusive; 46:11:04:01 to 46:11:04:16, inclusive; 46:11:05:01 to 46:11:05:17, inclusive; 46:11:06:01 to 46:11:06:15, inclusive; 46:11:07:01 to 46:11:07:17, inclusive; 46:11:08:01 to 46:11:08:07, inclusive; 46:11:09:01 to 46:11:09:24, inclusive; 46:11:10:01 to 46:11:10:16, inclusive; 46:11:11:01 to 46:11:11:07, inclusive; 46:11:12:01 to 46:11:12:12, inclusive; 46:11:13:01 to 46:11:13:18, inclusive; and Article 46:13.

History-Notice: 40 SDR 63, October 7, 2013
Hearing: October 23, 2013
Filed: November 13, 2013
Effective: December 3, 2013

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE: 20:06:10:08.03; 20:06:23:02; 20:06:56:04; and 20:06:57:01 to 20:06:57:18, inclusive.

History-Notice: 40 SDR 57, Sept. 23, 2013
Hearing: October 17, 2013
Filed: November 13, 2013
Effective: December 3, 2013

DEPARTMENT OF TRANSPORTATION: 70:01:02:11, 70:01:02:39; 70:04:02:01 to 70:04:02:24, inclusive, and Appendix A.

History-Notice: 40 SDR 43, Sept. 3, 2013
Hearing: September 26, 2013
Filed: November 13, 2013
Effective: December 3, 2013

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:05:13:01; 24:05:33.01:01, 24:05:33.01:05 to 24:05:33.01:14, inclusive; 24:08:01:01; 24:08:06:01; 24:11:01:01; 24:56:01:01 to 24:56:01:03, inclusive; 24:56:02:01, 24:56:02:02; 24:57:01:01; and 24:57:02:01 to 24:57:02:06, inclusive.

History-Notice: 40 SDR 47, Sept. 9, 2013
Hearing: October 1, 2013
Filed: November 14, 2013
Effective: December 4, 2013

Executive Appointments:

John J. Linn, Jr., Pierre, was reappointed on November 6, 2013, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until October 30, 2016.

John M. Mitchell, Rapid City, was reappointed on November 6, 2013, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until October 30, 2016.

Susan Bentsen, Rapid City, was reappointed on November 8, 2013, to the **State Board of Funeral Service**, effective immediately and shall continue until October 30, 2016.

David Volk, Sioux Falls, was reappointed on November 8, 2013, to the **State Board of Funeral Service**, effective immediately and shall continue until October 30, 2016.

Executive Order:

The Governor has signed **Executive Order 2013-19** dated November 8, 2013. This order declares that the offices for state government, within the executive branch, shall be administratively closed on Friday, November 29, 2013, and Tuesday,

December 24, 2013.

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

11-20-2013	Revenue: Commission on Gaming	Amend Racing rules to establish a deadline for filing a request for a hearing and for the stewards to issue a final ruling as well as the procedures for requesting the hearing; repeal a rule regarding the approval required for communication devices; repeal a rule to relieve track management of the cost of installing a telephone landline in the commission office for a few weeks a year; require tracks to provide safety vests to track employees while on duty; update current industry practices and terminology; require the person who enters a horse in a race or who accepts such an entry by telephone to sign the entry form and to reflect current industry practices and terminology; eliminate unnecessary record keeping regarding Furosemide; eliminate a bleeder list; remove a requirement to conduct an endoscopic examination at the race track within one hour of a race or exercise period; remove the requirement to maintain unnecessary records; give more time for changes of medication treatment to be reported to the betting public and the elimination of the "oath" requirement; repeal a rule that conflicts with ARSD 20:04:27:13.07; eliminate reference to "the official bleeder list" which is no longer maintained; allow veterinarians to administer Furosemide to prevent bleeding in race horses in a more efficient manner and eliminates the requirement for keeping unnecessary records; inform persons of the procedures to request a hearing on disqualification; amend Gaming Rules to clarify minimum bankroll requirements; change the length of record retention from five years to three years; allow the linking of progressive slot machines in Deadwood, SD,

		to progressive slot machines located in other jurisdictions where such games are allowed; and provide procedures to allow third-party connections to licensees on-line monitoring and control systems; 40 SDR 85.
11-20-2013	Agriculture: Brand Board	Amend rules to authorize the issuance of annual permits for the transportation of rodeo stock; 40 SDR 86.
11-21-2013	Transportation	Amend a General Provisions rule to add definitions for construction contract and prospective bidder and delete the definition for department contract; amend Classification and Bidding Capacity Rating rules to allow the Secretary of Transportation to appoint a temporary alternate to the classification and rating committee if a member is unavailable, eliminate the requirement for the department to maintain a list of all bidding proposals for every letting, increase the threshold for requiring prequalification of bidders from $100,000 to $200,000, change the terms "contractor" and "applicant" to "prospective bidder", require a citation for specific statutory exemption from disclosure of confidential financial records, work classifications are being amended to update work types and add a classification for bridge painting, establish the maximum per contract bidding capacity when an audited financial statement is submitted, amend the effective period for a bidding capacity rating to coincide with the expiration date of the surety bond or expiration of the certificate of surety and increase the permissible extension period from 30 to 60 days, clarify that a reduction in bidding capacity for uncompleted work on other contracts is for bonded work, clarify allowable deduction factors and how deductions may be applied, increase the maximum possible period of ineligibility and conform to federal requirements, define the potential maximum period of ineligibility, update the term "prospective bidder" and make additional clarifications, provide for appeal by a timely request to the Secretary to review a determination of the classification committee, and a decision within 5 days thereafter, rather than a formal Chapter 1-26 hearing process,

		clarify when the new prequalification statement must be received, clarify the time period for submission of a new prequalification statement, establish the process for a prospective bidder to retain or revise their prequalification status, clarify what prior work experience will be considered by the committee when establishing a bidding capacity rating, amend Bid Proposals rules to eliminate superfluous provisions and include Region lettings, update the term "prospective bidder", repeal a redundant rule regarding preference among multiple bid proposals, repeal a rule that is no longer necessary due to the new electronic bidding system; amend Suspension and Debarment rules to update language as reflected in the new definitions, clarify the suspension is from bidding construction contracts, eliminate reference to a hearing officer, clarify the effective date of debarment, clarify that only one of the three circumstances need to apply in a particular situation, correct references to other rules and remove the restriction on subcontracting, establish the factors for which the department can suspend or deny a contractor's prequalification status, establish the period of suspension of a contractor's prequalification status, establish the procedure by which a suspended contractor may restore their prequalified status following the suspension period, and repeal Highway Construction Contract Requirements rules because the requirements are in the Standard Specifications for Roads and Bridges; 40 SDR 77.
11-22-2013	Labor and Regulation: Board of Technical Professions	Amend rules to add deadlines for national examinations that will be moved to computer based testing (CBT); affirm deadlines to the Board's own examinations; remove fees collected by the Board for examinations that it no longer proctors; establish a fee in the event of an applicant having to retake the petroleum release assessor or remediator examination; and clarify Comity licensure and examination requirements; 40 SDR 77.
11-26-2013	Revenue: Property and Special Taxes	Amend rules to update manuals to current version and ensure that the language of the rules is consistent; 40 SDR 85.

11-26-2013	Social Services: Adult Services and Aging	Amend rules to repeal obsolete provisions, update definitions, update internal references, update criteria for adult protective services eligibility, outlines definitions, eligibility, and assessment requirements for home and community-based services, describe requirements for the individual care plan, outlines definitions and eligibility for the caregiver support program, describes support services covered under the caregiver support program; 40 SDR 93.
11-26-2013	Social Services: Medical Services	Amend rules to make language cleanup changes, update references, remove outdated references, update certain information to the department's website, update list of noncovered services and prior authorizations, update cost sharing requirements for certain services, clarify billing and service requirements, clarify readmission time periods for same or related diagnoses, repeal obsolete provisions, and include psychiatric evaluations in the list of approved documentation for admission to certain facilities; 40 SDR 93.
11-27-2013	Human Services: South Dakota Developmental Center; Health; and Social Services	Amend rules to remove all references to "mental retardation" or "mentally retarded" from Department of Human Services, Department of Social Services, and Department of Health's administrative rules and replace them with "intellectual disability"; 40 SDR 94.
12-2-2013	Secretary of State	Amend rules to establish a fee for absentee voter registration information obtained from the statewide voter registration file per election; 40 SDR 94.
12-5-2013	Game, Fish and Parks	Amend a Uses of Parks and Public Lands rule to create an exception to the prohibition against uncased firearms and bows in Oahe Downstream Recreation Area for persons who possess a valid turkey license for Unit PST-58B and change a reference from "Blood Run Nature Area" to "Good Earth State Park"; amend Spring Wild Turkey Hunting Season rules to change the number and type of licenses available, set the season dates, and change a reference from "Blood Run Nature Area" to "Good Earth State Park"; amend a Private Shooting Preserves rule to remove the restriction on releasing only chukar partridge

		and allow any species of partridge to be released; and amend Captive Game Birds rules to remove the restrictions on propagating, possessing, selling, offering for sale, or releasing from captivity only "Chukar" or "Hungarian" partridge and make the rule applicable to any species of partridge; 40 SDR 101.

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held Tuesday, December 17, 2013, 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 Legislative Web site at ***http://legis.state.sd.us/rules/index.aspx***.

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 40 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).