

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

400U0343

HOUSE BILL NO. 1022

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to repeal certain outdated programs relating to the
2 Department of Human Services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 28-9-34 be repealed.

5 ~~— 28-9-34. The Division of Services to the Blind and Visually Impaired may purchase,~~
6 ~~maintain, and operate radio talking books or receivers to provide information and intellectual~~
7 ~~stimulation to blind and severely handicapped individuals. The division may contract with~~
8 ~~private or state agencies or organizations for the program development, publication, or delivery~~
9 ~~of the books or receivers.~~

10 Section 2. That ARSD 46:14:01:01 be repealed.

11 ~~— 46:14:01:01. Definitions. Words used in this article mean:~~

12 ~~— (1) "State plan," a plan for planning, administration, provision of services, and construction~~
13 ~~of facilities for persons in the state with developmental disabilities, approved by the secretary~~
14 ~~of the federal Department of Health and Human Services as meeting federal requirements;~~

15 ~~— (2) "Department," the Department of Human Services, state of South Dakota; and~~



1 ~~—(3) "Division," the Division of Developmental Disabilities, Department of Human Services.~~

2 Section 3. That ARSD 46:14:02:01 be repealed.

3 ~~—46:14:02:01. Designated state agency to administer program. The designated state agency~~
4 ~~responsible for the administration of the state plan is the Department of Human Services,~~
5 ~~Division of Developmental Disabilities.~~

6 Section 4. That ARSD 46:14:03:01 be repealed.

7 ~~—46:14:03:01. Adjustment training center standards. All adjustment training center facilities~~
8 ~~receiving funding under the state plan shall meet all standards relevant to adjustment training~~
9 ~~centers developed by the department.~~

10 Section 5. That ARSD 46:14:03:02 be repealed.

11 ~~—46:14:03:02. Community living and day care standards. Community residential programs~~
12 ~~and day care programs receiving grants under the state plan shall meet all applicable standards~~
13 ~~relevant to community residential facilities developed by the department.~~

14 Section 6. That ARSD 46:14:03:03 be repealed.

15 ~~—46:14:03:03. Deadline for project applications. The deadline for submitting project~~
16 ~~applications shall be determined by the division after considering recommendations of the~~
17 ~~Planning Council on Developmental Disabilities. The division shall publish a call for grant~~
18 ~~requests at least 60 days before the closing date for acceptance of applications. The planning~~
19 ~~council shall inform applicants of the disposition of their requests within 90 days after the~~
20 ~~closing date.~~

21 Section 7. That ARSD 46:14:03:04 be repealed.

22 ~~—46:14:03:04. Priority of project based on merit of application. Priority of funding a project~~
23 ~~request shall be based on the merit of the application, in accordance with criteria listed in~~
24 ~~§ 46:14:05:01, rather than on the source of the application. Project requests for construction of~~

1 ~~new buildings or renovations will not be considered for approval.~~

2 Section 8. That ARSD 46:14:04:01 be repealed.

3 ~~—46:14:04:01. Financial administration for funded projects. All projects or services funded~~
4 ~~from moneys under the state plan shall provide fiscal data to the department on forms furnished~~
5 ~~by the department. Such fiscal data shall include an accounting of local, county, state, and~~
6 ~~federal funds expended for personnel, equipment, consumable supplies, staff travel, consultant~~
7 ~~services, alterations and renovations, expenditures from prior reporting periods, cumulative~~
8 ~~expenditures to date, cumulative funds received to date, unexpended balances, unliquidated~~
9 ~~obligations, and unobligated balances.~~

10 Section 9. That ARSD 46:14:05:01 be repealed.

11 ~~—46:14:05:01. Project review requirements and criteria. Project applications for the granting~~
12 ~~of funds allocated by the state plan shall be reviewed by the Planning Council on Developmental~~
13 ~~Disabilities, the council's executive committee, or the council's staff. The review should include~~
14 ~~a determination of the applicability of each of the following criteria and an evaluation of the~~
15 ~~degree to which the proposed project meets each applicable criterion:~~

16 ~~—(1) If the proposed project significantly involves agencies other than the applicant, the~~
17 ~~application shall include letters from all such agencies. These letters of support shall include~~
18 ~~statements specifying the resources to be committed to the project by each agency and the~~
19 ~~responsibilities of each agency in implementing the project;~~

20 ~~—(2) Projects which are less than statewide in their scope must be adaptable to other parts of~~
21 ~~the state of similar nature and characteristics;~~

22 ~~—(3) Projects which establish an ongoing service-providing resource must be able to continue~~
23 ~~independently upon termination of grant funds;~~

24 ~~—(4) Projects which provide or initiate the provision of direct services to clients shall describe~~

1 ~~the characteristics of the proposed clients, the degree to which the proposed project will serve~~
2 ~~developmentally disabled people, and the characteristics of the project's developmentally~~
3 ~~disabled clients;~~

4 ~~— (5) Applications shall clearly specify the project's progress and outcomes; and~~

5 ~~— (6) Proposed projects shall relate directly to one or more of the goals established by the~~
6 ~~Planning Council on Developmental Disabilities in their annual state plan. Applications shall~~
7 ~~specify the goal or goals to which the proposed project relates. Proposed projects shall be~~
8 ~~compared only to other proposals which relate to the same goals.~~

9 ~~— The Planning Council on Developmental Disabilities, its executive committee, or its staff~~
10 ~~shall rate each application in terms of the applicable criteria using the following scale:~~

11 ~~— (a) Applications greatly exceeding the criterion will receive a rating of 4;~~

12 ~~— (b) Applications exceeding the criterion will receive a rating of 3;~~

13 ~~— (c) Application meeting the criterion will receive a rating of 2;~~

14 ~~— (d) Applications not sufficiently meeting the criterion will receive a rating of 1;~~

15 ~~— (e) Application not meeting the criterion will receive a rating of 0.~~

16 ~~— An overall rating for the project shall be calculated by adding the ratings of all applicable~~
17 ~~criteria and of all raters, then dividing this sum by the product of the number of applicable~~
18 ~~criteria by the number of raters by four. The resultant proportion shall be used as a determining~~
19 ~~factor in the selection of applications.~~