

REGISTER



South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., June 1, 2015

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

Department of Environment and Natural Resources: Board of Water and Natural Resources:

Resources: (May 27, 2015) intends to amend a rule to make adjustments to the director areas of the James River Water Development District. The general authority for this rule, as cited by the department, is SDCL§ 46A-3C-6.

A public hearing will be held at the Matthew's Training Center, Foss Building, 523 E. Capitol Ave., Pierre, South Dakota, on June 25, 2015, at 1:00 p.m. CDT. Copies of the proposed rule may be obtained without charge from and written comments sent to the Department of Environment and Natural Resources, Division of Financial and Technical Assistance, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3181. Copies may also be accessed on the department's web page at <http://denr.sd.gov/public/default.aspx>. Written comments must reach the Board of Water and Natural Resources by June 24, 2015, 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) 773-4216 at least 48 hours before the hearing.

Attorney General: Law Enforcement Officers Standards and Training Commission:

(May 29, 2015) intends to amend rules to allow physician's assistants and nurse practitioners to conduct examinations of law enforcement officers and create an enhanced concealed pistol use of force training program, to establish rules regarding the minimum standards for a person

to attend the training program, expiration date for the use of force training certificate of completion and rules regarding the implementation of the course, including the training course fees. The general authority for these rules, as cited by the commission, is SDCL §§ 23-3-35 and 23-7-53 to 23-7-59, inclusive.

A public hearing will be held at the George S. Mickelson Criminal Justice Center Commission Conference Room, 1302 E. Highway 14, Pierre, South Dakota, on June 24, 2015, at 9:00 a.m. CST. A copy of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, 1302 E. Highway 14, Pierre, South Dakota 57501. Written comments must be received by June 22, 2015, to be considered. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3584 before the hearing.

NOTICE:

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning reimbursement for outpatient hospital services in State Fiscal Year 2016 effective July 1, 2015. The proposed State Plan Amendment (SPA) removes obsolete language pertaining to outpatient hospital reimbursement in State Fiscal Year 2015 and replaces it with language to implement State Fiscal Year 2016 legislative appropriations. The proposed amendment revises page 1b of Attachment 4.19-B of the South Dakota Medicaid State Plan. The Department estimates the federal fiscal impact associated with this

SPA to be \$118,878.50 in Federal Fiscal Year 2015 and \$356,635.50 in Federal Fiscal Year 2016. Written requests for a copy of these changes, and corresponding comments, may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning reimbursement for inpatient hospital services in State Fiscal Year 2016 effective July 1, 2015. The proposed State Plan Amendment (SPA) removes obsolete language pertaining to inpatient hospital reimbursement in State Fiscal Year 2015 and replaces it with language to implement State Fiscal Year 2016 legislative appropriations. The proposed amendment revises pages 1- 2 of Attachment 4.19-A of the South Dakota Medicaid State Plan. The Department estimates the federal fiscal impact associated with this SPA to be \$256,964.75 in Federal Fiscal Year 2015 and \$770,084.25 in Federal Fiscal Year 2016. Written requests for a copy of these changes, and corresponding comments, may be sent to 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 Appointments:

Robin M. Aden, Sioux Falls, was appointed on May 22, 2015, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2015, and shall continue until May 31, 2018.

Timothy Bjork, Pierre, was reappointed on May 22, 2015, to the **Water Management Board**, effective July 1, 2015, and shall continue until June 30, 2018.

Glenn A. Blumhardt, Bowdle, was reappointed on May 22, 2015, to the **Board of Minerals and Environment**, effective July 1, 2015, and shall continue until June 30, 2019.

Ronald C. Brownotter, Bullhead, was appointed on May 22, 2015, to the **Board of Military Affairs**, to replace Robert O. Shepherd, effective immediately.

Cecilia Fire Thunder, Martin, was appointed on May 22, 2015, to the **Board of Social Services**, to replace Martha B. Carlson, effective immediately and shall continue until October 30, 2017.

Timothy J. Holland, Custer, was reappointed on May 22, 2015, to the **South Dakota Commission on Gaming**, effective immediately and shall continue until April 14, 2018.

David Hottman, Sioux Falls, was appointed on May 22, 2015, to the **Governor's Task Force on Trust Administration Review and Reform**, effective June 1, 2015, and shall continue until May 31, 2018.

Gerrit L. Juffer, Wagner, was reappointed on May 22, 2015, to the **South Dakota Economic Development Finance Authority Board of Directors**, effective July 1, 2015, and shall continue until June 30, 2019.

Jon K. Lauck, Sioux Falls, was reappointed on May 22, 2015, to the **State Historical Society Board of Trustees**, effective immediately and shall continue until April 15, 2018.

Todd A. McCaskell, Pierre, was reappointed on May 22, 2015, to the **State Plumbing Commission**, effective immediately and shall continue until April 14, 2018.

Christopher L. Moore, Madison, was reappointed on May 22, 2015, to the **State Plumbing Commission**, effective immediately and shall continue until April 14, 2018.

Francis Whitebird, St. Francis, was appointed on May 22, 2015, to the **State Historical Society Board of Trustees**, to replace Michael Jandreau, effective immediately and shall continue until April 15, 2018.

Steven K. Williams, Spearfish, was reappointed on May 22, 2015, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2018.

Correction Filed:

Kyle White, Rapid City, was appointed on May 6, 2015, to the **Transportation Commission**, to replace Ed Seljeskog, effective

~~June 15, 2015~~ May 15, 2015, and shall continue until April 18, 2019.

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

6-4-2015	Game, Fish and Parks	Amend a Motorboats and Watercraft rule to exempt law enforcement officers from boat lighting requirements if certain criteria are met; amend an Application for License rule to require any resident or nonresident deer hunter possessing an archery deer license to obtain and possess a free access permit to hunt in Newton Hills State Park; amend Waterfowl Hunting Seasons (Nonresident waterfowl licenses), License Forms and Fees, and Youth Waterfowl Hunting Season rules to adopt recommendations of the Nonresident Waterfowl Work Group that would change units and license allocations and establish the fee for a nonresident youth (under 16 years of age) waterfowl license at \$10, and remove the allowances for unsold nonresident waterfowl licenses to be transferred between units; repeal a Waterfowl Hunting Seasons (Special Canada Goose Hunting Season) rule that established the special Canada goose hunting unit and place Bennett County into Unit 2 of the regular goose hunting season; amend a Black Hills Deer Hunting Season rule to increase the number of resident and nonresident "Any Whitetail" deer licenses; amend West River Prairie Deer Season rules to establish the number and types of resident and nonresident licenses/tags available, adjust season dates,
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		<p>change the county designation for Unit WRD-65A from Shannon County to Oglala Lakota County, and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days; amend East River Deer Hunting Season rules to establish the number and types of licenses available, establish Unit ERD-07B as an antlerless deer unit within Yankton County described as that portion of Yankton County south of SD Highway 50 and west of US Highway 81, and eliminate the opportunity to hunt antlerless deer during the 9 days which begins on the Saturday after Christmas as well as the use of unfilled "any antlerless deer" and "any antlerless whitetail deer" tags during these 9 days; amend Archery Deer Hunting Season rules to provide an exception in Unit ARD-LM1 that would allow archery hunters possessing an access permit to archery hunt in Adams Homestead and Nature Preserve Area and increase the number of "antlerless whitetail deer" archery access permits; amend National Wildlife Refuge Deer Hunting Season rules to open Unit RFD-SL4 and adjust the "any deer" and "any antlerless deer" licenses for Sand Lake National Wildlife Refuge and adjust the season dates for Waubay National Wildlife Refuge; and amend a Persons with Disabilities rule to allow telescopic sights and lighted sight pins to be used by crossbow permittees; 41 SDR 193, May 18, 2015.</p>
<p>6-4-2015</p>	<p>Labor and Regulation: SD Retirement System</p>	<p>Amend rules to revise definitions and conditions for distribution for the deferred compensation plan and to add an automatic escalation feature to the automatic enrollment provisions of the deferred compensation plan; 41 SDR 187, May 11, 2015.</p>
<p>6-4-2015</p>	<p>Secretary of State: Board of Elections</p>	<p>Amend rules to provide additional instructions to voters on how to mark an optical scan ballot, allow the person in charge of the election to determine where the ballot stamp watermark is placed on the ballot, add residence address including city and zip code to the nominating petition for school board candidates, add city and zip code to the</p>

		municipal candidate nominating petition, add aldermanic as a type of a municipal government that can increase or decrease the number of wards on the petition form, add a notation to the general authority section to the administrative rule for approving electronic ballot marking systems, clarify what ballots can be requested on the absentee ballot application and what ballots can be requested to be emailed to military and overseas voters on the absentee ballot application, clarify who a recount petition is filed with, and repeal a notice of cancellation of election that is not required by statute; 41 SDR 193.
6-12-2015	Health: Board of Pharmacy	Amend rules to establish the ability of pharmacies to increase the technician to pharmacist ratio; 41 SDR 179, May 4, 2015.
6-19-2015	Health: Board of Dentistry	Amend rules to change the name Advanced Dental Assistant to Registered Dental Assistant and update the definition to maintain consistency with state law; 41 SDR 180, May 4, 2015.
6-23-2015	Labor and Regulation: Division of Unemployment Insurance	Adopt a rule to authorize the use of the Treasury Offset Program (TOP) to collect delinquent covered unemployment compensation (UC) debt from employers; 41 SDR 201, May 26, 2015.
6-24-2015	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend rules to allow physician's assistants and nurse practitioners to conduct examinations of law enforcement officers and create an enhanced concealed pistol use of force training program, to establish rules regarding the minimum standards for a person to attend the training program, expiration date for the use of force training certificate of completion and rules regarding the implementation of the course, including the training course fees; 41 SDR 207, June 1, 2015.
6-25-2015	Environment and Natural Resources: Board of Water and Natural Resources	Amend a rule to make adjustments to the director areas of the James River Water Development District; 41 SDR 207, June 1, 2015.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, June 8, 2015, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: July 20, August 17, September 21, November 9, and December 14.

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>.