

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., February 25, 2013

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

Department of Agriculture: State Brand

Board: (February 19, 2013) intends to amend rules to increase the per head inspection fee for livestock ownership inspection and increase the fee for a lifetime horse transportation permit. The general authority for these rules, as cited by the board, is SDCL § 40-18-16.

A public hearing will be held in the Matthew Training Center, first floor of the Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on March 22, 2013, at 1:00 p.m. CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Brand Board, 209 W. Dakota Avenue, Pierre, South Dakota 57501. Written comments must be received by the board no later than March 20, 2013, 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) 773-3324 at least 48 hours before the hearing.

Department of Revenue: South Dakota Lottery

Commission: (February 21, 2013) intends to amend a Hot Lotto Game rule in order to continue to offer the game in South Dakota on and after May 12, 2013. The general authority for this rule, as cited by the commission, is SDCL § 42-7A-21.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on March 20, 2013, at 10:15 a.m. CT. Copies of the

proposed rule may be obtained from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. A copy of the rule is also available at the department's website at

<http://dor.sd.gov/publicnotices/lotteryrules032013.pdf>. Written comments must be received by

March 19, 2013, 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) 773-4701 at least 48 hours before the hearing.

NOTICE:

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning the establishment of a Medicaid Recovery Audit Contractor Program effective June 1, 2013. The State is required to establish a program under which it will contract with one or more recovery audit contractors to identify underpayments and overpayments of Medicaid claims. The proposed State Plan Amendment (SPA) seeks an extension of a previous exception ending May 31, 2013. The State already maintains a very low rate of errors in Medicaid payments and estimates amounts to be recovered would not be sufficient to attract sufficient bidding attention from vendors. For these reasons, the State is seeking a new request for an exception to be in effect until May 31, 2016. The proposed amendment replaces Page 36b in Section 4.5. The Department estimates there will be no fiscal impact associated with this SPA. Written requests for a copy of these changes, and corresponding comments, may be sent to Kirby

Stone, Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

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

2-28-2013	Department of Transportation	Amend Speed Zone rules in Spink County by repealing an existing 55 mph limited speed zone located on SD Highway 37 near the intersection of SD Highway 37 and Spink County Highway 12 and extend an existing 65 mph speed zone an additional 0.2 mile north of the intersection of U.S. Highway 281 and SD Highway 20; 39 SDR 135.
3-7-2013	Game, Fish and Parks	Amend Public Water Zoning rules to repeal the existing "no boating zones" designated on Helgeson Slough in Clark County and on portions of Rock Creek Game Production Area and East Stink Lake in Marshall County; create a new "public swimming zone" fronting on a portion of shoreline of Platte Creek Recreation Area on Lake Francis Case (Charles Mix County); and repeal two existing "public swimming zones" designated on Clear Lake in Marshall County; amend a Refuges rule to remove the North Shore State Waterfowl Refuge from the list of Missouri River refuges; and amend a West River Prairie Deer Season (Special Buck Licenses) rule and an East River Deer Hunting Season (Special Buck Licenses) rule to limit an individual to possessing either an East River or West River special buck license in any given year and change the special buck license allocations; 39 SDR 135.
3-14-2013	Revenue: Commission on Gaming	Amend Gaming Rules to add failure to maintain minimum bankroll requirements and failure to notify the Executive Secretary of deficiency in cash, to Class A violations which allow for summary suspension of license; change the minimum wager from \$100 to \$1,000; and include summary suspension as a

		penalty for failure of a licensee to maintain cash or cash equivalents or to maintain minimum bankroll requirements; 39 SDR 141.
3-20-2013	Revenue: South Dakota Lottery Commission	Amend a Hot Lotto Game rule in order to continue to offer the game in South Dakota on and after May 12, 2013; 39 SDR 143.
3-22-2013	Agriculture: State Brand Board	Amend rules to increase the per head inspection fee for livestock ownership inspection and increase the fee for a lifetime horse transportation permit; 39 SDR 143.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-eighth Legislative Session to set the tentative meeting schedule for the 2013 interim. Watch for a notice of this informal meeting on the LRC website and at the 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>.

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