

# REGISTER



## South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., May 16, 2016

---

### FILINGS IN THE LEGISLATIVE

**RESEARCH COUNCIL'S OFFICE:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Health: State Board of Dentistry:** (May 11, 2016) intends to amend rules to update the declaratory ruling process, repeal obsolete provisions, and update collaborative supervision requirements. The general authority for these rules, as cited by the board is SDCL §§ 1-26-15, 36-6A-14, 36-6A-40.1, 36-6A-40.2, 36-6A-47, 36-6A-47.1, and 36-6A-50.

A public hearing will be held in the SD Housing Development Authority Board Room, 3060 E. Elizabeth St., Pierre, South Dakota, on June 17, 2016, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Board of Dentistry, PO Box 1079, Pierre, South Dakota 57501. A copy of the proposed rules is also available on the board's website: <https://www.sdboardofdentistry.com/>. Written comments must reach the board by June 14, 2016, or must be brought to the public hearing to be considered. 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) 224-1282 at least 48 hours before the hearing.

### **Department of Game, Fish, and Parks:**

(March 17, 2016) intends to amend an Application for License rule to repeal current language which limits issuing antlerless licenses authorized by SDCL 41-6-19.8 to qualifying farmers and ranchers for use in the designated

deer hunting units where at least one antlerless deer tag is available after the second lottery drawing from the previous year and provides that free antlerless licenses are invalid in counties where antlerless archery and muzzleloader licenses are restricted, and make "antlerless whitetail deer" licenses available to those eligible landowners in hunting units which offer a deer license with multiple tags for antlerless deer in the lottery drawing for the East River and West River deer seasons; amend Black Hills Deer Hunting Season rules to adjust the number and types of licenses for resident and nonresident "antlerless whitetail" deer; modify the number of Black Hills antlerless management units from four units to two units, and remove language depicting the license type and number of licenses from each hunting unit; amend West River Prairie Deer Season rules to adjust the number and types of licenses for residents and nonresidents, and remove the language depicting the license type and number of licenses from each hunting unit; amend East River Deer Hunting Season rules to adjust the number and type of licenses, establish an antlerless deer unit within Bon Homme County described as that portion of Bon Homme County south of SD Highway 50 and east of SD Highway 37, and remove the language depicting the licenses type and number of licenses from each hunting unit; amend Archery Deer Hunting Season rules to close hunting units 39A (Jackson County) and 45B (portions of Lyman County), and open units 01A (Minnehaha County), 06A (Brookings County), 07B (portions of Yankton County), 12B (portions of Bon Homme County), 17A (Charles Mix County), 25A (Douglas County), 27B (portions of Fall River County), 35A and 35C (portions of Harding County),

43A (Lake County), 44A (north of 273<sup>rd</sup> Street) (Lincoln County), 46A (McCook County), 49A and 49B (portions of Meade County), 52A (Moody County) and 53A (Perkins County), all in Unit ARD-LM1, and Black Hills Units BD1 and BD2, increase the number of "antlerless whitetail" deer archery access permits for the Adams Homestead and Nature Preserve, and remove the language depicting the license type and number of licenses from each hunting unit and the number of access permits from each designated area; amend National Wildlife Refuge Deer Hunting Season rules to set the number and type of licenses available and remove the language depicting the license type and number of licenses from each hunting unit; amend Custer State Park Deer Hunting Season rules to set the number of "antlerless whitetail" deer muzzleloader licenses, remove the language depicting the license type and number of licenses from each hunting unit, and repeal Unit CUD-ZZ1; and amend General Muzzleloading Deer Hunting Season rules to close hunting units 39A (Jackson County) and 45B (portions of Lyman County, and open units 01A (Minnehaha County), 06A (Brookings County), 07B (portions of Yankton County), 12B (portions of Bon Homme County), 17A (Charles Mix County), 25A (Douglas County), 27B (portions of Fall River County), 35A and 35C (portions of Harding County), 43A (Lake County), 46A (McCook County), 49A and 49B (portions of Meade County), 52A (Moody County) and 53A (Perkins County), all in Unit ARD-LM1, and Black Hills Units BD1 and BD2, and remove the language depicting the license type and number of licenses from each hunting unit. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18, 41-6-21, and 41-17-1.1.

A public hearing will be held at the Watertown Convention Center, 1901 9<sup>th</sup> Ave. SW, Watertown, South Dakota, on June 2, 2016, at 2:00 p.m. (CDT). Copies of the proposed rules may be obtained from and written comments sent to the office of the Secretary of the

Department of Game, Fish and Parks, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the proposed rules are also available at: <https://rules.sd.gov/>. 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. on the date of the hearing. Comments may also be sent by email to either [wildinfo@state.sd.us](mailto:wildinfo@state.sd.us) or [gfpadminrules@state.sd.us](mailto:gfpadminrules@state.sd.us). All written and email comments must include the commenter's name, home town/city, and state. 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) 773-3718 or (605) 223-7684 (Telecommunication Device for the Deaf) 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, 2016. Pursuant to Section 1902(a)(42)(b)(i) of the Social Security Act, 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 amendment seeks an extension of a previous exception ending May 31, 2016. 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, 2021. The proposed amendment replaces Page 36b in Section 4.5. The department estimates there will be no fiscal impact associated with this State Plan Amendment. Written requests for a copy of these changes, and corresponding comments, may be sent to Department of Social Services, Division of Medical 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 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**

<p><b>5-19-2016</b></p>	<p><b>Department of Agriculture: South Dakota Value Added Finance Authority</b> Amend a rule to allow the board to commission more than one study a year; 42 SDR 149, April 25, 2016.</p>
<p><b>5-23-2016</b></p>	<p><b>Office of the Secretary of State</b> Amend rules to update notary public application and change forms, update Uniformed Commercial Code rules, repeal outdated Business Trust and Farm Corporations and Syndicates rules, revise the charges for absentee voting information, and revise the additional registration fee for reprinting lobbyists' badges; 42 SDR 145, April 18, 2016.</p>
<p><b>5-23-2016</b></p>	<p><b>Office of the Secretary of State: Board of Elections</b> Amend rules to specify a location on the voter registration form for cancelling a voter's registration, allow for a large print version of the voter registration form, and repeal the overseas registrant form; provide new language for Americans Disability Act (ADA) information on numerous election notices; provide municipalities and schools with another reason for a vacancy on the notice of vacancy; amend the notice of deadline for filing primary nominating petitions to include the filing deadline for independent candidates; create forms for notice of vacancy for newly incorporated municipalities and notice of vacancy for conservation district supervisor; amend format for primary, general, alternate optical scan ballots, and municipal election ballots; amend the instructions to voters on the optical scan ballots; create a ballot format for county question elections; amend the guidelines for acceptance of petitions to include the requirement for statewide candidate petitions to be verified against the statewide voter registration file; amend the five percent random sample process to include statewide candidates and use an up to date process for how the random sample is determined; create a new affidavit form for sponsors of statewide ballot measures; remove outdated language in the initiated constitutional amendment petition or initiated petition for repeal of constitutional provision and remove a statute reference that is no longer in state law; create petition for schools to implement a school sentinel program; repeal requirement for submission of a voter center plan and repeal the denied application process; amend the format for the official record of absentee ballots to allow both electronic and paper records and remove the requirement to be linked to the master voter registration file; 42 SDR 155, May 9, 2016.</p>
<p><b>6-2-2016</b></p>	<p><b>Department of Game, Fish, and Parks</b> Amend an Application for License rule to repeal current language which limits issuing antlerless licenses authorized by SDCL 41-6-19.8 to qualifying farmers and ranchers for use in the designated deer hunting units where at least one antlerless deer tag is available after the second lottery drawing from the previous year and provides that free antlerless licenses are invalid in counties where antlerless archery and muzzleloader licenses are</p>

	<p>restricted, and make "antlerless whitetail deer" licenses available to those eligible landowners in hunting units which offer a deer license with multiple tags for antlerless deer in the lottery drawing for the East River and West River deer seasons; amend Black Hills Deer Hunting Season rules to adjust the number and types of licenses for resident and nonresident "antlerless whitetail" deer; modify the number of Black Hills antlerless management units from four units to two units, and remove language depicting the license type and number of licenses from each hunting unit; amend West River Prairie Deer Season rules to adjust the number and types of licenses for residents and nonresidents, and remove the language depicting the license type and number of licenses from each hunting unit; amend East River Deer Hunting Season rules to adjust the number and type of licenses, establish an antlerless deer unit within Bon Homme County described as that portion of Bon Homme County south of SD Highway 50 and east of SD Highway 37, and remove the language depicting the licenses type and number of licenses from each hunting unit; amend Archery Deer Hunting Season rules to close hunting units 39A (Jackson County) and 45B (portions of Lyman County), and open units 01A (Minnehaha County), 06A (Brookings County), 07B (portions of Yankton County), 12B (portions of Bon Homme County), 17A (Charles Mix County), 25A (Douglas County), 27B (portions of Fall River County), 35A and 35C (portions of Harding County), 43A (Lake County), 44A (north of 273<sup>rd</sup> Street) (Lincoln County), 46A (McCook County), 49A and 49B (portions of Meade County), 52A (Moody County) and 53A (Perkins County), all in Unit ARD-LM1, and Black Hills Units BD1 and BD2, increase the number of "antlerless whitetail" deer archery access permits for the Adams Homestead and Nature Preserve, and remove the language depicting the license type and number of licenses from each hunting unit and the number of access permits from each designated area; amend National Wildlife Refuge Deer Hunting Season rules to set the number and type of licenses available and remove the language depicting the license type and number of licenses from each hunting unit; amend Custer State Park Deer Hunting Season rules to set the number of "antlerless whitetail" deer muzzleloader licenses, remove the language depicting the license type and number of licenses from each hunting unit, and repeal Unit CUD-ZZ1; and amend General Muzzleloading Deer Hunting Season rules to close hunting units 39A (Jackson County) and 45B (portions of Lyman County), and open units 01A (Minnehaha County), 06A (Brookings County), 07B (portions of Yankton County), 12B (portions of Bon Homme County), 17A (Charles Mix County), 25A (Douglas County), 27B (portions of Fall River County), 35A and 35C (portions of Harding County), 43A (Lake County), 46A (McCook County), 49A and 49B (portions of Meade County), 52A (Moody County) and 53A (Perkins County), all in Unit ARD-LM1, and Black Hills Units BD1 and BD2, and remove the language depicting the license type and number of licenses from each hunting unit; 42 SDR 159, May 16, 2016.</p>
<p><b>6-2-2016</b></p>	<p><b>Department of Revenue: South Dakota Lottery Commission</b>                  Amend rules to allow applications, registrations, and disclosure forms, that are required to be submitted to the Lottery for purposes of determining qualification for licensure, to be submitted using an electronic signature; adopt rules to offer the EZ Match instant win option in conjunction with any on-line game authorized by the Lottery Commission at a cost of one dollar per play in addition to the cost of the on-line game played; 42 SDR 155, May 9, 2016.</p>
<p><b>6-17-2016</b></p>	<p><b>Department of Health: State Board of Dentistry</b>                  Amend rules to update the declaratory ruling process, repeal obsolete provisions, and update collaborative supervision requirements; 42 SDR 159, May 16, 2016.</p>

**RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Wednesday, June 1, 2016, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following meeting schedule for the 2016 Interim: July 12, August 22, September 26, and November 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://www.sdlegislature.gov/Rules/RulesManual.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 42 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 LRC website: [www.sdlegislature.gov](http://www.sdlegislature.gov). You may subscribe to electronic delivery of the **South Dakota Register** at *E-Subscribe* on the LRC website.

---