REGISTER

South Dakota Legislative Research Council

Volume 36 ***Monday, 8:00 a.m., June 28, 2010***

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

Department of Agriculture: Animal Industry Board: (June 22, 2010) intends to amend Disease Control and Meat Inspection rules to update current dates of reference material. The general authority for these rules, as cited by the board, is SDCL 1-26-1, 40-1-25, 40-3-9, 40-3-14, 40-3-25, 40-3-26, 40-5-5.1, 40-5-8.6, 40-9A-12, 40-15-14, 40-15-36, and 40-17-9.1.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on July 13, 2010, at 10:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the Board Office by July 12, 2010, 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) 773-3321 at least 48 hours prior to the hearing.

NOTICES:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning the inpatient and outpatient hospital reimbursement methodology effective July 1, 2010. The proposed changes are to amend Attachment 4.19-A and 4.19-B of the State Plan for inpatient and outpatient hospital reimbursements, respectively, to reflect elimination of cost settlements. The department estimates a Federal fiscal impact associated with this amendment for Federal Fiscal Year 2010 as a reduction of $530,250 and a reduction of $2,121,000 for Federal Fiscal Year 2011. Copies of the plan revisions are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning the prescription drugs reimbursement methodology effective July 1, 2010. The proposed changes are to amend Attachment 4.19-B of the State Plan for prescription drug reimbursements to reflect a change in payment calculations. The department estimates a Federal fiscal impact associated with this amendment for Federal Fiscal Year 2010 as a reduction of $212,500 and a reduction of $850,000 for Federal Fiscal Year 2011. Copies of the plan revisions are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the 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:

Executive Appointments:

Larry Puthoff, Sioux Falls, was reappointed on June 16, 2010, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2013.

Kenneth W. Rollman, Rapid City, was appointed on June 16, 2010, to the **Independent Living Council**, to replace Linda Biffert, effective July 1, 2010, and shall continue until June 30, 2013.

Shelly Schock, Rapid City, was appointed on June 16, 2010, to the **Independent Living Council**, to replace Jason Lorang, effective July 1, 2010, and shall continue until June 30, 2013.

Isabel Trobaugh, Elk Point, was appointed on June 16, 2010, to the **Independent Living Council**, to replace Alex Gourneau, effective July 1, 2010, and shall continue until June 30, 2013.

Alan R. Dempster, Sioux Falls, was reappointed on June 21, 2010, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until June 30, 2015.

Timothy R. Johns, Lead, was reappointed on June 21, 2010, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, 2014.

Lee M. McCahren, Vermillion, was reappointed on June 21, 2010, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, 2014.

Richard C. Sweetman, Sioux Falls, was reappointed on June 21, 2010, to the **Board of Minerals and Environment**, effective immediately and shall continue until June 30, 2014.

Mack Wyly, Ft. Pierre, was reappointed on June 21, 2010, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until June 30, 2015.

Todd Bernhard, Ft. Pierre, was appointed on June 22, 2010, to the **Board of Water and Natural Resources**, to replace Donald Bollweg, effective July 1, 2010, and shall continue until June 30, 2014.

Paul Gnirk, New Underwood, was reappointed on June 22, 2010, to the **Board of Water and Natural Resources**, effective immediately and shall continue until June 30, 2014.

Linda Anderson, Rapid City, was appointed on June 23, 2010, to the **State Arts Council**, to replace Ruth Brennan, effective July 1, 2010, and shall continue until June 30, 2013.

Paul S. Higbee, Spearfish, was reappointed on June 23, 2010, to the **State Arts Council**, effective immediately and shall continue until June 30, 2013.

Donald Montileaux, Rapid City, was reappointed on June 23, 2010, to the **State Arts Council**, effective immediately and shall continue until June 30, 2013.

James A. Speirs, Sioux Falls, was appointed on June 23, 2010, to the **State Arts Council**, to replace Karen Lindbloom, effective July 1, 2010, and shall continue until June 30, 2013.

Jenneil Watkins, Sioux Falls, was appointed on June 24, 2010, to the **Independent Living Council**, to replace Ryan Green, effective July 1, 2010, and shall continue until June 30, 2013.

Executive Orders:

The Governor has signed **Executive Order 2010-18** dated June 18, 2010. This order rescinds Executive Order 2010-15 because the water levels of Lake Mitchell in Davison County no longer pose a threat to property, public health, and safety. The Governor has directed the Mayor of Mitchell to remove signs and barriers and publish notices informing the public of the rescission.

The Governor has signed **Executive Order 2010-19** dated June 24, 2010. This order rescinds Executive Order 2010-17 because the water levels of Lake Campbell in Brookings and Moody Counties no longer pose a threat to property, public health, and safety. The Governor has directed the Lake Campbell Association President to remove signs and barriers and publish notices informing the public of the rescission.

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

6-29-2010	Health: Board of Massage Therapy	Amend rules to provide standards for the training schools, a third choice for a national examination, and over-all clarification of several rules; 36 SDR 199.
6-29-2010	Revenue and Regulation: Division of Insurance	Amend a Life Insurance rule to prohibit the inclusion of exclusionary riders on life insurance policies without the insured's consent and adopt External Review rules to ensure that life insurance policyholders are aware of any policy changes that would affect them and have the opportunity to reject changes proposed by their insurance company; 36 SDR 203.
7-6-2010	Agriculture: Agronomy Services	Amend Apiary rules regarding entrance permits, inspections, and contested case procedures; 36 SDR 207.
7-8-2010	Game, Fish and Parks	Amend Waterfowl Hunting Seasons and Early Fall Canada Goose Hunting Season rules to establish season dates, requirements and restrictions, shooting hours, open area, bag and possession limits; increase the daily bag limit form 5 to 8 geese and the possession limit from 10 to 16 geese; repeal the rule which prohibits nonresidents from hunting in the counties of Beadle, Brookings, Hanson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, and Union; and modify the

		boundaries of Units 1 and 2 along the Missouri River to allow additional early season harvest of resident Canada geese; amend an East River Deer Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and number of licenses/tags available; and designate the areas where qualifying landowners/ranchers may use the two free antlerless deer tags authorized by the 2010 Legislature as being those units where licenses remain available following the second drawing; amend a Antelope Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, and number of resident and nonresident licenses/tags available; and amend a National Wildlife Refuge Deer Hunting Season rule to establish season dates, requirements and restrictions, open areas, shooting hours, establish the number of resident and nonresident licenses/tags available; allow any hunter possessing a valid "antlerless deer" tag in any Sand Lake hunting unit to hunt from one-half hour before sunrise to one-half hour after sunset each day for 9 consecutive days beginning on the Saturday following Christmas; and beginning on the Saturday following Christmas, all valid tags for "any deer" in sold and unsold licenses shall become "antlerless deer" tags, respectively; 36 SDR 213.
7-13-2010	Agriculture: Animal Industry Board	Amend Disease Control and Meat Inspection rules to update current dates of reference material; 36 SDR 221.
7-22-2010	Labor: State Plumbing Commission	Amend rules to adopt the 2009 edition of the Uniform Plumbing Code; revise the format of the plumber examination; repeal plumbing contractors being exempt from examination based on the score of their journeyman plumber examination; and revise the fee structure for plumbing permits; 36 SDR 213.
7-28-2010	Agriculture: State Brand Board	Adopt rules to issue annual permits that allow an individual to transport livestock out of the brand inspection area, but not out of the state, for recreational purposes without a brand inspection when certain conditions are met; and issue permits that allow a licensed and bonded livestock dealer to transfer ownership

		of livestock without an inspection if certain conditions are met and prescribed guidelines are followed; 36 SDR 213.
8-25-2010	Military and Veteran Affairs	Amend a rule regarding furloughs for residents of the Michael J. Fitzmaurice South Dakota Veterans Home; 36 SDR 199.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 20, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: August 31, September 28, November 17, and December 20.

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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