

# REGISTER



## South Dakota Legislative Research Council

Volume 40

Monday, 8:00 a.m., July 1, 2013

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

***Attorney General: Law Enforcement Officers Standards and Training Commission:***

(June 26, 2013) intends to adopt rules to establish minimum standards for an individual to act as a school sentinel, a school sentinel training program, and the procedures for the revocation of a school sentinel's certification. The general authority for these rules, as cited by the commission, is SDCL § 23-3-35.

A public hearing will be held at the George S. Mickelson Criminal Justice Center, 1302 E. SD Highway 14, Pierre, South Dakota, on July 18, 2013, at 11:00 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 July 17, 2013, 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.

**NOTICES:**

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning the implementation of Health Homes for Medicaid recipients with complex health care needs effective July 2, 2013. Health Homes are an initiative of the Patient Protection and Affordable Care Act, recommended for implementation in South Dakota by the Medicaid Solutions Workgroup convened by

Governor Dugaard in 2011. The proposed State Plan Amendment (SPA) details the South Dakota's Health Home initiative, including the eligibility requirements for recipients, provider requirements, reimbursement methodology, and the provision of core services. The Federal fiscal impact associated with this amendment for Federal Fiscal Year 2013 is \$2,035,791 and \$8,143,163 for Federal Fiscal Year 2014. For more information about the Health Home program, please visit:

<http://dss.sd.gov/healthhome/index.asp>. Written requests for a copy of these changes, and corresponding comments, may be sent to Kirby Stone, State Medicaid Director, 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 the identification of disproportionate share hospitals (DSH) and hospitals eligible for health profession education payments effective July 1, 2013. The proposed changes amend Attachment 4.19-A of the State Plan, pages 6 and 10. The department estimates that there will be no Federal fiscal impact associated with this amendment for Federal Fiscal Year 2013 and for 2014. Written requests for a copy of these changes, and corresponding comments, may be sent to Kirby Stone, State Medicaid 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:**

**Kim Benning**, Redfield, was reappointed on June 20, 2013, to the **Family Support Council**, effective immediately and shall continue until June 30, 2016.

**Jeff M. Carmon**, Sioux Falls, was reappointed on June 20, 2013, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2016.

**Beth A. Haug**, Hermosa, was appointed on June 20, 2013, to the **Family Support Council**, to replace Lori Westby, effective July 1, 2013, and shall continue until June 30, 2016.

**Lee McPeek**, Watertown, was appointed on June 20, 2013, to the **South Dakota 911 Coordination Board**, to replace Doug Barthel, effective July 1, 2013, and shall continue until June 30, 2016.

**Ted G. Ruffedt, Jr.**, Rapid City, was reappointed on June 20, 2013, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2016.

**Kelly D. Serr**, Bison, was reappointed on June 20, 2013, to the **South Dakota 911 Coordination Board**, effective immediately and shall continue until June 30, 2016.

**Mark S. Roby**, Watertown, was appointed on June 21, 2013, to the **Commission on Judicial**

**Qualifications**, to replace Sally Christenson, effective July 1, 2013, and shall continue until June 30, 2017.

**Gene Lebrun**, Rapid City, was reappointed on June 26, 2013, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until June 30, 2018.

**Joseph Schartz**, Humboldt, was appointed on June 26, 2013, to the **State Board of Regents**, to replace Patrick Weber, effective July 1, 2013, and shall continue until July 1, 2014.

**Norbert Sebade**, Rapid City, was reappointed on June 26, 2013, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until June 30, 2018.

**David A. Timpe**, Hartford, was reappointed on June 26, 2013, to the **South Dakota Health and Educational Facilities Authority**, effective immediately and shall continue until June 30, 2018.

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**

7-8-2013	Game, Fish and Parks	Adopt a Hunting Requirements and Prohibited Methods rule to require any person who harvests a wolf to notify a conservation officer within 24 hours of the kill and submit the wolf for inspection by a conservation officer or other department representative no later than
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		<p>48 hours following the kill; amend a Safe Grouse Hunting Season rule to close the season; amend Antelope Hunting Season rules to adjust the number of licenses/tags available and close Units 45A and 45B to archery antelope hunting; amend an Early Fall Canada Goose Hunting Season rule and a Waterfowl Hunting Seasons rule to change the opening date of the season from the first Saturday in September to September 1, and modify boundaries of Units 1 and 2; and amend a Bobcat Trapping and Hunting Season rule to change the west river season dates, implement a harvest limit of 600 bobcats west of the Missouri River with the season to close prior to March 1 if the harvest limit is reached, and change the east river season dates; 39 SDR 233.</p>
7-10-2013	Public Safety	<p>Amend rules to provide the minimum requirements for obtaining and maintaining school bus inspector certification from the Highway Patrol and the process for revoking and regaining school bus inspector certification; update the adoption of the Commercial Vehicle Safety Alliance North American standard Out-of-service Criteria; further define unprofessional or dishonorable conduct for purposes of emergency medical technician-basic licensure, to provide for revoking and regaining of emergency medical technician-basic licensure for unprofessional or dishonorable conduct, and to clarify that transfer-only ambulance services are prohibited in South Dakota; allow the Director of Highway Safety to approve motorcycle safety course curricula, and set forth the process for approving motorcycle safety course curricula; update the Code of Federal Regulation adoptions for commercial driver licensing rules, and change the commercial driver licensing third party tester fees from \$80 to \$90; 39 SDR 227.</p>
7-12-2013	Health: Board of Pharmacy	<p>Amend rules to establish the ability of pharmacies to retain health records, including prescription orders, in an electronic format; 39 SDR 211.</p>

7-18-2013	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt rules to establish minimum standards for an individual to act as a school sentinel, a school sentinel training program, and the procedures for the revocation of a school sentinel's certification; 40 SDR 1.
7-18-2013	Education: Board of Education	Amend Special Education rules to reference the most current State and Federal Regulations, remove excessive criteria in eligibility categories, and add provisions to address coordinated early intervening services funded through State Aid for Special Education; amend Career and Technical Education rules to establish a methodology for forecasting contributions from student fees and state appropriations available to meet projected payment schedules on outstanding bonds for lease purchase agreements with the four postsecondary technical institutes and clarify the process by which the Board of Education makes determinations of whether to approve requests for issuance of new bonds from the postsecondary technical institutes; amend an Individualized Family Service Plan rule to remove "working" from 24:14:13:03 (06); amend Certification rules to streamline the certification process for military spouses leaving employment as certified teachers in other states to accompany their spouses to South Dakota; amend a State Accreditation and Approval System rule to allow for an accreditation review desk audit rather than team visits to the district being reviewed; and amend Public School Accountability System rules to update and clarify the accountability rules under the Elementary and Secondary Education Act Waiver; 39 SDR 234.
7-18-2013	Public Safety: South Dakota 911 Coordination Board	Amend rules to define "County 911 Coordinator", conform to legislative changes, make the rules uniform in regard to required procedures, remove outdated references, correct a statutory reference, clarify financial and accounting standards requirements, and define allowable personnel costs for County 911 Coordinators and other 911 or PSAP employees; 39 SDR 233.
8-15-2013	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect

		changes made to the federal hazardous waste rules from July 1, 2010 through June 30, 2012. Changes include establishing procedures for identifying and managing certain hazardous secondary materials destined for recycling, and making technical and typographical corrections to the federal rules; 39 SDR 201.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 9, 2013, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Mitchell – Mitchell Technical Institute, 1800 E. Spruce, Room TC 155; Sioux Falls – University Center, 4801 N. Career Ave., Room FADM 253; Spearfish – Black Hills State University, 1200 University Station, LIB 011; and Yankton – DOT, 1306 W. 31<sup>st</sup> St. The committee chair has set the following tentative meeting schedule for the 2013 interim: August 20, September 17, November 12, and December 17.

**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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