

REGISTER



South Dakota Legislative Research Council

Volume 38

Tuesday, 8:00 a.m., July 5, 2011

NOTICES OF PROPOSED RULES: (None)

NOTICES:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning the Disproportionate Share Hospitals program. The proposed State Plan Amendment (SPA) has an effective date of June 30, 2011. The proposed changes are to amend Attachment 4.19-A, pages 6, 7, and 8 of the State Plan to reflect the amount appropriated by the Legislature for distribution. There is no Federal fiscal impact associated with this SPA. 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 Division 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 Disproportionate Share Hospitals program. The proposed State Plan Amendment (SPA) has an effective date of April 1, 2011. The proposed changes are to add Attachment 4.19-A, page 8a, of the State Plan to reflect a change in methodology as required by the Center for Medicaid, Chip and Survey and Certification and Survey Informational Bulletin dated June 21, 2011. There is no Federal fiscal impact associated with this SPA. 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 Division 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:

DEPARTMENT OF LABOR AND REGULATION: DIVISION OF INSURANCE: 120:06:55:25.

History-Notice: 37 SDR 245, June 27, 2011
Hearing: N/A
Filed: June 29, 2011
Effective: June 29, 2011

Executive Appointments:

Kristie K. Fiegen, Sioux Falls, was appointed on June 17, 2011, to the **South Dakota Public Utilities Commission**, to complete the term vacated by Steve Kolbeck, effective immediately.

Robert A. Miller, Pierre, was appointed on June 28, 2011, to the **State Capitol Complex Restoration and Beautification Commission**, to replace Gary Galyardt, effective July 1, 2011, and shall continue until June 30, 2015.

James Hansen, Pierre, was reappointed on June 28, 2011, to the **State Capitol Complex Restoration and Beautification Commission**, effective immediately and shall continue until June 30, 2015.

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

7-7-2011	Game, Fish and Parks	Amend East River Deer Hunting Season rules to establish number of licenses/tags available for the 2011 season and repeal the rule which designates areas where free antlerless deer licenses can be issued to farmers and ranchers for use in East River deer hunting units as this is being addressed in a new rule (ARSD 41:06:01:13); amend Antelope Hunting Season rules to establish number of resident and nonresident licenses/tags available for the 2011 season, eliminate the split seasons and go to one season for Units 49A and 49B (Meade/Pennington counties) and Units 35A and 35B (Harding Count), and eliminate the nine day extension beginning on the Saturday following Christmas which allows for the harvest of doe and fawn antelope; amend a Custer State Park Antelope Hunting Season rule to eliminate the 10 "doe/kid" antelope licenses previously available in Custer State Park; amend National Wildlife Refuge Deer Hunting Season rules to establish the number of resident and nonresident licenses/tags available for the 2011 season, and change "antlerless whitetail deer" licenses to "two-tag antlerless whitetail deer" licenses for LaCreek National Wildlife Refuge; and amend an Early Fall Canada Goose Hunting Season rule to adjust the season start date from "the Saturday closest to September 7" to "the first Saturday of September;" 37 SDR 239.
7-8-2011	Labor and Regulation: Appraiser Certification Program	Adopt rules to require Appraisal Management Companies that oversee a network or panel of more than fifteen appraisers in the state or twenty-five or more nationally to register. The rules define terms; requires maintaining a roster of appraisal management companies registered; requires transmitting the roster to the Appraisal Subcommittee; requires notification of change of address; requires disclosure of designated officer and controlling

		person of the company; requires completion of an application and payment of a registration fee; requires nonresident consent to service of process for out of state companies; requires compliance with certain responsibilities and duties; requires retention of records; requires records to be available for inspection; requires acceptance of complaints for investigation by the state agency; establishes disciplinary actions allowed; and describes the grounds for disciplinary actions; 37 SDR 235.
7-12-2011	Agriculture: Animal Industry Board	Amend rules to remove dog and cat shows from the board's supervision; update current dates of reference materials; and repeal rules to relax requirements for paraciticide treatment of cattle imported from states not known to be infested with scabies; 37 SDR 231.
7-12-2011	Environment and Natural Resources: Water Management Board	Repeal the chapter on Construction of Control Facilities for water supply and treatment systems; 37 SDR 239.
7-13-2011	Labor and Regulation: State Plumbing Commission	Amend rules to make amendments in regard to plumbing installation practices as they relate to the 2009 Uniform Plumbing Code; revise commercial inspection fees to create a small commercial fee for buildings which have five or less plumbing fixtures which shall have a fee of one hundred dollars; and make revisions to expand acceptable course offerings for continuing education requirements; 37 SDR 241.
7-19-2011	Public Safety: Office of Weights and Measures	Amend a rule to include permissive language that, during the period from September 16 to November 30 each year, will allow South Dakota's gasoline "schedule of seasonal and geographical volatility classes" to exhibit our existing volatility standards or the standards in use in Minnesota, North Dakota, and Iowa; 37 SDR 240.
7-28-2011	Agriculture: Division of Ag Development	Amend rules to make changes to certain agricultural finance programs to increase amounts, add new programs, and change criteria; 37 SDR 240.
8-18-2011	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, 2008 through June 30, 2010. Changes include establishing an alternative set

		of requirements for academic laboratories; rules that address transboundary movement of hazardous wastes and spent lead-acid batteries; and technical and typographical corrections to errors in the federal rules; 37 SDR 221.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 12, 2011, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib117; Huron – DHS, 2361 Dakota Ave. S; Mitchell – MTI, 1800 E. Spruce, Room TC155; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB109; Sioux Falls – SFUC, 2205 Career Ave., Room 282 S; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2011 interim: August 30, September 27, November 15, and December 12.

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>.