

REGISTER



South Dakota Legislative Research Council

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FILINGS IN THE LEGISLATIVE RESEARCH COUNCIL'S OFFICE:

DECLARATORY RULING:

The **Public Utilities Commission** of the State of South Dakota has filed with the Legislative Research Council, Declaratory Ruling EL 17-031. In this ruling, Black Hills Energy had asked the Commission to determine whether a permit was necessary to rebuild an existing 230kV transmission line that does not increase the line's nameplate capacity, does not change the status of the line as a transmission facility, and will occur within the line's existing rights-of-way. After reviewing the evidence and the applicable administrative rules and statutory authority, the Commission determined that the proposed rebuild of the transmission line does not need a permit. The Declaratory Ruling is dated September 5, 2017.

NOTICES:

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding the department's fee schedules. The proposed State Plan Amendment (SPA) clarifies the effective dates of the department's fee schedules including in home services which were subject to a 0.3 percent inflationary increase effective July 1, 2017. The inflationary increase was appropriated by the state legislature during the 2017 legislative session. The SPA also clarifies reimbursement methodology for transportation and personal care services and updates terminology regarding religious non-medical home health care institutions. The SPA adds Introduction, page 1 to Attachment 4.19-B and revises page 38

of Attachment 4.19-B of the South Dakota Medicaid State Plan. The Department intends to make this SPA effective November 1, 2017. The Department estimates there will be a \$40,386 federal fiscal impact associated with this SPA in Federal Fiscal Year 2018 and a \$40,386 federal fiscal impact in Federal Fiscal Year 2019. The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also 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: Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291.

The **Department of Social Services** intends to make changes to the South Dakota Medicaid State Plan regarding the out of state former foster care youth eligibility group. Per the proposed State Plan Amendment (SPA), out of state former foster care youth will no longer constitute an eligibility group. This change is being made due to the federal government's determination that out of state former foster care youth do not constitute an eligibility group under the state plan. The SPA amends page S33 of the South Dakota Medicaid State Plan. The Department submitted an application to the Center for Medicare and Medicaid Services that, if approved, will provide coverage for the out of state former foster care youth eligibility group under 1115 demonstration authority. The Department intends to make this SPA effective the date the 1115 waiver application is approved and has proposed an effective date of January 1, 2018. The Department estimates there will be no

federal fiscal impact associated with this SPA in Federal Fiscal Year 2018 and Federal Fiscal Year 2019. The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also 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: Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, SD 57501-2291.

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 the Department of Labor and Regulation for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

<p>10-31-2017</p>	<p>Department of Agriculture: South Dakota State Fair Amend rules to repeal duplicative, outdated and unnecessary rules applying to the State Fair Park; and raise camping and parking fees during the annual State Fair; 44 SDR 71, October 10, 2017.</p>
<p>11-2-2017</p>	<p>Department of Game, Fish and Parks Amend rules to eliminate the ability to pay for individual park entrances and instead charge by vehicle only; alter the definitions of "preferred" and "prime" campgrounds and eliminate "primitive" campgrounds from the definitions; remove Fort Sisseton, Union Grove, Pease Creek and Buryanek campsites from the "modern campground" category; increase camping cabin fees for all State Parks from \$40 to \$45 except at Custer State Park where the cabin fee would remain \$50; add Fisher Grove and Buryanek campsites to the "preferred campground" category; remove from the "preferred campground" category Oakwood Lakes, Angostura including Sheps Canyon, Lake Vermillion, Lewis and Clark, Newton Hills, Snake Creek, Palisades, Roy Lake, Lake Herman, Lake Poinsett, Walker's Point, Pickerel, Shadehill Ketterlings Point, Sandy Shore, Lake Cochrane, Farm Island, Lake Louise, Lake Thompson, Mina Lake, Chief White Crane, Pierson Ranch, North Point, Big Sioux, Hartford Beach, Richmond, Rocky Point, and South Pelican campsites and add them to the "prime campground" category; add to the "prime campground" category Union Grove and Pease Creek; remove Fort Sisseton from the "primitive lodging campsite" category and add it to the "prime campsite" category except for during the Fort Sisseton Festival; increase the group lodging fee at Mina Lake and Shadehill from \$185 to \$205 per night; increase the group lodging fee at Lake Thompson, Palisades, Sheps Canyon, and Newton Hills from \$240 to \$280 per night; increase the fee at French Creek Horse Camp from \$26 to \$31 per night; increase the use of Fort Sisseton's south barracks from \$300 to \$500 for a weekend; increase the catamaran dry slip storage at Lewis and Clark from \$300 to \$325 per seasonal occupancy period; increase the catamaran dry slip storage at Angostura from \$150 to \$175 per seasonal occupancy period; establish standards for marking closed areas of nonmeandered waters by landowners; require mandatory submission of elk harvested in Custer State Park to be tested for chronic waste disease; increase the number of antlerless elk licenses from no more than 20 to no more than 60 and establish four separate hunting seasons in four separate hunting units; allow for no more than five</p>

<p>bighorn sheep licenses to be issued for the Black Hills bighorn sheep hunting season; allow one bighorn sheep license to be issued for sale by auction; eliminate the identification of the license type and number of license from each of the bighorn sheep hunting units; allow for the continued pursuit of a mountain lion that originated on private land onto public land; remove the 15 inch minimum restriction for walleye on Lake Poinsett; allow nonresidents to obtain an aerial hunting permit; require all bait dealers to list employees/agents on their application that will engage in trapping, transporting, delivering, raising, or seining bait and allow the Department to refuse the issuance of a license to a bait dealer with an employee/agent who has received a suspension or revocation of their bait dealer license; update the scientific name of the Interior Least Tern (<i>Sterna antillarum athalassos</i>) to Least Tern (<i>Sternula antillarum</i>); update the scientific name of the Finescale dace (<i>Phoxinus neogaeus</i>) to Finscale dace (<i>Chrosomus neogaeus</i>); update the scientific name of Northern redbelly dace (<i>Phoxinus eos</i>) to Northern redbelly dace (<i>Chrosomus eos</i>); and update the scientific name of Pearl dace (<i>Margariscus margarita</i>) to Northern pearl dace (<i>Margariscus nachtriebi</i>); 44 SDR 75, October 16, 2017.</p>

RULES REVIEW COMMITTEE MEETINGS

The final meeting of the Interim Rules Review Committee for the 2017 interim will be 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>.

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