

REGISTER



South Dakota Legislative Research Council

Volume 38

Monday, 8:00 a.m., April 2, 2012

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

Secretary of State: Board of Finance:

(March 27, 2012) intends to amend a rule to change the per diem rate for official, in-state travel. The general authority for this rule, as cited by the board, is SDCL § 3-9-2.

A public hearing will be held in Room 207, 2nd floor, State Capitol, Pierre, South Dakota, on April 17, 2012, at 2:00 p.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the Board of Finance, c/o Secretary of State, 500 E. Capitol, Pierre, South Dakota 57501. Material sent by mail must be received by April 16, 2012, 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) 773-3537 at least 48 hours before the hearing.

Department of Agriculture: Animal Industry Board: (March 27, 2012) intends to amend rules to relax bovine tuberculosis and brucellosis testing requirements for captive cervids moving between permitted premises within the state; change the surveillance program for Chronic Wasting Disease (CWD) in captive cervid herds from a mandatory program to a voluntary program, and to reduce the amount of surveillance required to maintain recognition of herds which have voluntarily conducted CWD surveillance for at least five years. The general authority for these rules, as cited by the board, is SDCL §§ 40-3-14 and 40-5-8.6.

A public hearing will be held at the Animal

Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on April 30, 2012, at 1:30 p.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 April 27, 2012, 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.

Bureau of Personnel: (March 30, 2012) intends to amend rules concerning state employee health and life benefits into conformity with the legislature's adoption of House Bill 1028, SDCL 3-6E. The general authority for these rules, as cited by the bureau, is SDCL §§ 3-6E-1, 3-8-13, 3-12A-2, 3-12A-10, 3-12A-12, 3-12A-15, 3-12A-18, 3-12A-33, and 3-12A-25.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre South Dakota, on May 2, 2012, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Bureau of Personnel, Room 110, State Capitol, 500 E. Capitol, Pierre, South Dakota 57501-1234. Written comments must be received by May 12, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-4918 at least 48 hours before the hearing.

NOTICE:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan concerning reimbursement methodology for nursing facilities effective July 1, 2012. The proposed changes are to amend Attachment 4.19-D of the State Plan, page 14, to change the basis for calculating hospital swing bed reimbursements from a calendar year basis to the State fiscal year. There is no other change to the methodology so there is no fiscal impact. The change is being made so reimbursement calculations are consistently on a State fiscal year timeline. Copies of the proposed State Plan Amendment (SPA) 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:**Executive Appointments:**

Amy J. Hartman, Sioux Falls, was appointed on March 22, 2012, to the **South Dakota Certification Board for Alcohol and Drug Professionals**, to replace Thomas Kelly Johnson, effective immediately and shall continue until October 30, 2014.

Jeffery A. Hazard, Sioux Falls, was reappointed on March 26, 2012, to the **Board of Technical Professions**, effective April 15, 2012, and shall continue until April 14, 2015.

Leonard C. Neugebauer, Sioux Falls, was reappointed on March 26, 2012, to the **Board of Technical Professions**, effective April 15, 2012, and shall continue until April 14, 2015.

JOINT POWERS AGREEMENT ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:

Parties: **Department of Labor and Regulation and South Dakota State University**
 Purpose: Update census projections for counties to the year 2035
 Financing: Annual Budget
 Organization: Contractual
 Duration: August 30, 2012

Copies of the agreements are on file with the Legislative Research Council and may be copied or reviewed during normal business hours.

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

4-3-2012	Game, Fish and Parks	Amend a Park License rule to increase the daily fee for not displaying a valid park entrance license from \$10 to \$15 in Custer State Park (fee remains \$10 per day in all other state parks) and allow the operator or
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		<p>registered owner of a vehicle to apply the entire amount of the cost assessed for not displaying a valid park entrance license toward the purchase of an annual park entrance license; amend a Black Hills Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on Tilford Road to I-90; amend a Custer State Park Elk Hunting Season (Any Elk) rule to adjust the number of licenses available; amend Custer State Park Deer Hunting Season rules to eliminate the 35 one-tag "muzzleloader antlerless whitetail deer licenses" in Unit CUD-CU3, and remove the language in existing rule which establishes a 300 foot no hunting zone along paved public access roadways in Custer State Park; amend an Archery Elk Hunting Season rule to adjust the number of licenses available for "any elk" and "antlerless elk" licenses, and adjust the boundary of Unit 7 to include the area located within a line beginning at I-90 and Pleasant Valley Road, then east and south on Pleasant Valley Road to Tilford Road, then west on Tilford Road to I-90, and eliminate the archery season for Unit 30A; amend a Custer State Park Late Archery Elk Hunting Season rule to reduce the number of "any elk" licenses which will close the Custer State Park late archery elk hunting season; amend a Black Hills Bighorn Sheep Hunting Season rule to reduce the number of licenses available in Unit 1; and amend a Prairie Elk Hunting Season rule to adjust the total number of licenses available for "any elk" and "antlerless elk" licenses, add Unit 27 (Fall River County) to include that portion of Fall River County south of the Cheyenne River and west of Highway 385 (Season dates: September 1-October 31), adjust the season dates for Unit 09A (portions of Butte and Lawrence Counties) from September 1-October 31 to provide for a split season of September 15-October 31 and December 1-5, and adjust the season dates for</p>
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		Unit 30A (portions of Gregory County and portions of Boyd County, NE) for the 2012 season to September 29-October 28 and December 1-21, which will make the season dates coincide with the dates established by Nebraska for this shared elk hunting unit; 38 SDR 151.
4-11-2012	Agriculture: Division of Agricultural Services	Amend rules to require maintaining interstate shipment of milk and milk products as determine by FDA Milk Safety Branch; 38 SDR 155.
4-11-2012	Agriculture: SD Weed & Pest Control Commission	Amend a rule to add oxeye daisy to the local noxious weed and declared pest list; 38 SDR 155.
4-17-2012	Secretary of State: Board of Finance	Amend a rule to change the per diem rate for official, in-state travel; 38 SDR 165.
4-18-2012	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend Police Canine Team Certification rules to permit canine teams to be trained and certified by other agencies such as the Bureau of Alcohol, Tobacco and Firearms, the International Police Bloodhound Training Institute, the International Congress of Police Service Dogs and the United States Police Canine Association; recognize standards established by other agencies for the training of canines; and eliminate any application fees for canine teams and eliminate the requirement to maintain the South Dakota Police Canine Association, Inc.; 38 SDR 159.
4-30-2012	Agriculture: Animal Industry Board	Amend rules to relax bovine tuberculosis and brucellosis testing requirements for captive cervids moving between permitted premises within the state; change the surveillance program for Chronic Wasting Disease (CWD) in captive cervid herds from a mandatory program to a voluntary program, and to reduce the amount of surveillance required to maintain recognition of herds which have voluntarily conducted CWD surveillance for at least five years; 38 SDR 165.
5-2-2012	Bureau of Personnel	Amend rules concerning state employee health and life benefits into conformity with the legislature's adoption of House Bill 1028, SDCL 3-6E; 38 SDR 165.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 3, 2012, 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; Rapid City – RCUC, 4300 Cheyenne Blvd., Room UC 113; Sioux Falls – SFUC, 4801 N. Career Ave., Room FADM 153; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2012 interim: May 29, July 10, August 14, September 18, November 13, and December 18.

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>.

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 38 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 Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (<http://legis.state.sd.us/mylrc/index.aspx>).