

# REGISTER



## South Dakota Legislative Research Council

Volume 42

Monday, 8:00 a.m., September 14, 2015

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**NOTICE OF PROPOSED RULES:** (None)  
(The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Health: Division of Health and Medical Services:** (September 10, 2015) intends to amend rules to add Coccidioidomycosis, Leptospirosis, Middle East respiratory syndrome (MERS), Chikungunya, Colorado Tick Fever, Lead (elevated blood levels in children and adults), Silicosis, Carbon monoxide poisoning and Pesticide-related illness and injury, acute to the South Dakota Reportable Disease list. The general authority for these rules, as cited by the department, is SDCL §§ 34-1-17, 34-22-9, 34-22-12, and 34-23-13.

A public hearing will be held at the Health Laboratory Building, 615 East Fourth Street, Pierre, South Dakota, on October 7, 2015, at 3:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website at <http://doh.sd.gov/News> or <http://rules.sd.gov>. Material sent by mail must reach the department by October 17, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3361 at least 48 hours before the hearing.

**NOTICE:**

The **Department of Social Services** intends to make the following changes to the South Dakota

Medicaid State Plan concerning diagnosis and trauma code edits for third party liability effective October 1, 2015. The proposed State Plan Amendment (SPA) removes ICD-9 diagnosis codes from the State Plan. The proposed amendment revises pages 1 and 2 of Attachment 4.22-A of the South Dakota Medicaid State Plan. The Department estimates there will be no federal fiscal impact associated with this SPA. 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, South Dakota 57501-2291.

The **Department of Social Services** intends to make the following changes to the South Dakota Medicaid State Plan concerning post-eligibility treatment of income for institutionalized individuals effective October 1, 2015. The proposed State Plan Amendment (SPA) implements a home maintenance allowance for institutionalized individuals. The proposed amendment revises pages 5 and 5a of Attachment 2.6-A of the South Dakota Medicaid State Plan. The Department estimates the fiscal impact for federal fiscal year 2016 to be \$80,594.18. 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, South Dakota 57501-2291.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**DEPARTMENT OF REVENUE: SOUTH DAKOTA LOTTERY COMMISSION:**  
48:03:06:05.

History-Notice: 42 SDR 1, July 6, 2015  
 Hearing: July 30, 2015  
 Filed: September 10, 2015  
 Effective: September 30, 2015

**Correction Filed:**

**Larry Ayers Ayres**, Brookings, was appointed on July 30, 2015, to the **South Dakota Advisory Council for Children with Disabilities**, to replace Michelle Greseth, effective immediately and shall continue until June 30, 2018.

**Executive Appointments:**

**Nicole Bowen**, Colman, was appointed on September 4, 2015, to the **Board of Addiction and Prevention Professionals**, to replace Kristi Spitzer, effective October 31, 2015, and shall continue until October 30, 2018.

**Stacy Haber**, Sioux Falls, was appointed on September 4, 2015, to the **South Dakota Advisory Panel for Children with Disabilities**, to replace Roger Bowie, effective immediately and shall continue until June 30, 2018.

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

**REMINDER OF HEARINGS SCHEDULED**

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| <b>9-21-2015</b> | <b>Department of Education: Board of Education</b><br>Amend a Certification rule to increase educator certification application fees effective July 1, 2016, and clean up language in the section; 42 SDR 39, September 8, 2015.  |
| <b>9-24-2015</b> | <b>Department of Revenue: SD Commission on Gaming</b><br>Amend Gaming rules to add a definition for House Banked Table Games; add new versions of blackjack to the list of authorized blackjack games; include within the authorized games of poker new games adopted by the Commission; authorize a variation of Mississippi Stud poker; create a new variation of poker known as Flushes Gone Wild; and create a variation of poker known as Hot Poker Spot; 42 SDR 31, August 24, 2015.  |
| <b>10-1-2015</b> | <b>Department of Game, Fish and Parks</b><br>Amend Mountain Lion Hunting Season and License Forms and Fees rules to modify the mountain lion harvest limit for the Black Hills Fire Protection District (including Custer State Park), establish a nonresident mountain lion hunting license at a fee of \$121 (includes \$6 surcharge), authorize the issuance of nonresident mountain lion hunting licenses (excluding Custer State Park), and amend the use of dogs for hunting mountain lions in Custer State Park; amend General Provisions (Fishing Seasons and Methods) rules to change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area," correct the boundary description of the Black Hills Fish Management Area, and adopt a rule to allow white bass to be declared rough fish for the purpose of contracted commercial fishing; amend Fish Limits rules to change white bass limits on Nebraska border waters to match those of Nebraska, remove the restriction allowing only largemouth and smallmouth bass that are less than 14 inches in length or 18 inches or greater in length to be harvested from Lake Cochrane in Deuel County and Waubay Lake in Day County, remove the 15 inch minimum length restriction exemption |

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|                   | <p>in July and August for walleye from Ft. Randall Dam down to the South Dakota-Nebraska state line on the Missouri River, remove the 15 inch minimum length restriction for walleye from the Cattail/Kettle Lake Complex in Marshall County and Bitter Lake in Day County, remove the 15 inch minimum length restriction and remove the two fish daily limit restriction for walleye from Opitz Lake in Day and Marshall Counties, add a 15 inch minimum length restriction for largemouth and smallmouth bass in Bismarck Lake, Custer County, change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area", and allow removal of fish eyes for use as bait while on the water and specify that the requirement that fish remain whole while on the water only applies to gamefish; amend a Paddlefish Snagging rule to allow snagging of paddlefish on the Big Sioux River during the October paddlefish season below Gavins Point Dam and delete language in current rule which provides that "Any paddlefish tag that is locked closed before attachment or that is altered or modified in any way is void and may not be replaced."; amend a Spearing rule to change the archery paddlefish season below Gavins Point Dam to run from June 1 through June 30; amend a Bait rule to change the name of the "Black Hills Trout Management Area" to the "Black Hills Fish Management Area;" amend a Bobcat Trapping and Hunting Season rule to add Clay, Hughes, Hutchinson, Hyde and Union counties to the open area for the East River season; and amend a Private Fish Hatcheries rule to require an applicant for renewal of a private aquaculture license to include a copy of the aquaculture facility's previous year's fish health inspection results with each license renewal application as a condition of renewal of the license; 42 SDR 39, September 8, 2015.</p> |
| <b>10-1-2015</b>  | <p><b>Department of Transportation</b><br/>Amend a Hughes County speed zone on U.S. Highway 14 and U.S. Highway 83 in Pierre beginning at Fourth Street northeasterly for .065 mile, 35 mph, then northeasterly for 3.2 miles, 55mph; and on U.S. Highway 14 and U.S. Highway 83 Truck Bypass in Pierre, beginning at the junction with State Trunk Highway 34, then north for 2.19 miles, 35 mph, then north to its junction with U.S. Highway 14 and U.S. Highway 83, 45 mph; 42 SDR 35, August 31, 2015.</p>  |
| <b>10-7-2015</b>  | <p><b>Department of Health: Division of Health and Medical Services</b><br/>Amend rules to add Coccidioidomycosis, Leptospirosis, Middle East respiratory syndrome (MERS), chikungunya, Colorado Tick Fever, Lead (elevated blood levels in children and adults), Silicosis, Carbon monoxide poisoning and Pesticide-related illness and injury, acute to the South Dakota Reportable Disease list; 42 SDR 43, September 14, 2015.</p>   |
| <b>10-13-2015</b> | <p><b>Office of the State Auditor</b><br/>Repeal a rule regarding the minimum amount guidelines for electronic fund transfers evaluated by the Office of the State Auditor; 42 SDR 39, September 8, 2015.</p>  |

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held on Monday, September 21, 2015, in Room 414, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: November 9 and December 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

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