

REGISTER

South Dakota Legislative Research Council



Volume 35

Monday, 8:00 a.m., March 30, 2009

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

Department of Labor: Electrical Commission: (March 23, 2009) intends to amend rules to require standards for attaining a 501(d) license and for attaining levels of licensure above 501(d); address fee administration for 501(d) active and inactive licensure; document exceptions to the National Electrical Code as approved by the South Dakota Electrical commission; address fee administration for maintenance inspections; address fee administration for wiring permits; and eliminate the requirement for a wiring permit, inspection fee or inspection for modular homes or modular structures exported out of South Dakota. The general authority for these rules, as cited by the commission, is SDCL 36-16-12 and 36-16-30.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on April 16, 2009, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the State Electrical Commission, 308 S. Pierre Street, Pierre, South Dakota 57501. Written comments must be received by April 15, 2009, to be considered. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3573 at least 48 hours before the hearing.

Department of Revenue and Regulation: Division of Insurance: (March 27, 2009) intends to amend rules to repeal duplicative authority and to define premium for premium tax reporting purposes. The general authority for these rules, as cited by the division, is

SDCL 10-44-1.1, 58-11-63, and 58-17A-2.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on April 20, 2009, at 10:00 a.m. Paper copies of the proposed rule may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the Division of Insurance by April 19, 2009, to be considered. The text of the proposed rules will be posted on the Department of Revenue and Regulation's website at <http://www.state.sd.us/drr2/reg/insurance/Legal/hearing.htm>. The rules may also be obtained as a Microsoft Word attachment by emailing Melissa.Klemann@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

Department of Social Services: (March 27, 2009) has filed a rule amendment to update the federal poverty level for programs under Title 67. The federal poverty level is set in 74 Fed. Reg. 4,199 (January 23, 2009).

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

Department of Social Services: (March 27, 2009) has filed a rule amendment to increase the Supplemental Security Income (SSI) amount.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

Department of Social Services: (March 27, 2009) has filed rule amendments to increase the maximum amount of spousal resources that may be protected under Medicaid when one spouse is receiving institutionalized care and the other spouse remains at home.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:
174:05:12:01 to 174:05:12:22, inclusive.

History-Notice: 35 SDR 217, March 16, 2009
Hearing: N/A
Filed: March 25, 2009
Effective: March 25, 2009

Executive Order:

The Governor has signed **Executive Order 2009-04** dated March 25, 2009. This order declares a state of emergency to exist statewide due to two significant storm events.

Executive Appointments:

Deb Bowman, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Roger Campbell, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Steven R. Doohen, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Terry Dosch, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Alan Hanks, Rapid City, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Jerry C. Hofer, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Doneen Hollingsworth, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Mark Lauseng, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Dave Munson, Sioux Falls, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Thomas J. Oster, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Tim Reisch, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Pamela S. Roberts, Pierre, was appointed on March 19, 2009, to the **Governor's Reentry Council**, effective March 19, 2009.

Kennon Hines, Spearfish, was appointed on March 20, 2009, to the **South Dakota Commission Health Care**, to replace Clark Sinclair, effective March 20, 2009, and shall continue until June 30, 2009.

Kevin Forsch, Pierre, was appointed on March 24, 2009, to the **Governor's Reentry Council**.

Council, effective March 24, 2009.

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

<p>4-2-2009</p>	<p>Game, Fish and Parks</p>	<p>Amend a Markings and Zones rule to require authorization of the department secretary prior to any person placing buoys on public waters; amend the Pheasant, Grouse, Quail, and Partridge Hunting Season rules to establish season dates, open areas, shooting hours, and daily bag and possession limits; and adjust the season ending date from the first Sunday of January to the second Sunday of January; amend a Partridge Hunting Season rule to remove LaCreek National Wildlife Refuge as an area open to hunting partridge; amend a Black Hills Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (first and second season) licenses, types of available licenses, open areas, and shooting hours; adjust the number of licenses available from 755 "any elk" and 920 "anterless elk" licenses (total of 1,675 licenses) to 605 "any elk" and 760 "anterless elk" licenses (total of 1,365 licenses); and adjust Unit H3 to have a split season for anterless tags; amend a Custer State Park Early Archery Elk Hunting Season rule to establish new season dates for the Custer State Park "any elk" archery licenses, number of available licenses, open area, and shooting hours (season dates would include the entire month of September and no longer allow unsuccessfully early archery elk hunters to return and hunt the late archery elk season); amend an Archery Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (Black Hills Units and Unit 30A) licenses, types and numbers of available licenses, open areas, and shooting hours; adjust the number of licenses available from 124 "any elk" and 78 "anterless elk" licenses (total of 202 licenses) to 114 "any</p>
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		<p>elk" and 71 "anterless elk" licenses (total of 185 licenses); and adjust the Unit 30A season dates to coincide with Nebraska season dates; amend a Special Custer State Park Anterless Elk Hunting Season rule to establish season dates for the special Custer State Park "anterless elk" (Units 1 and 2) licenses, number of available licenses, open areas, and shooting hours; adjust the number of licenses available in Unit 2 from 40 licenses to 20 licenses; and change the season dates for Unit 2 to always open on the Tuesday following Native American Day for 9 consecutive days rather than the second Monday in October for 9 consecutive days; and amend a Prairie Elk Hunting Season rule to establish season dates for "any elk" and "anterless elk" (Units 09A, 11A, 11B, 11C, 15A and 30A) licenses, types and numbers of available licenses, open areas and shooting hours; add a third unit to Bennett County (Unit 11A) which will include the month of August; establish a new unit in Butte and Lawrence Counties (Unit 09A); adjust Unit 30A season dates to coincide with Nebraska season dates; and adjust the number of licenses available from 30 "any elk" and 46 "anterless elk" licenses (total of 76 licenses) to 45 "any elk" and 86 "anterless elk" licenses (total of 131 licenses); 35 SDR 217.</p>
<p>4-8-2009</p>	<p>Health: Joint Boards of Nursing and Medical and Osteopathic Examiners</p>	<p>Amend a rule to change the collaboration requirements for a certified nurse practitioner or certified nurse midwife who practices at multiple or separate practice locations; 35 SDR 215.</p>
<p>4-14-2009</p>	<p>Agriculture: Weed and Pest Control Commission</p>	<p>Amend a rule to add Sulfur cinquefoil to the local noxious weed and declared pest list; 35 SDR 223.</p>
<p>4-16-2009</p>	<p>Labor: Electrical Commission</p>	<p>Amend rules to require standards for attaining a 501(d) license and for attaining levels of licensure above 501(d); address fee administration for 501(d) active and inactive licensure; document exceptions to the National Electrical Code as approved by the South Dakota Electrical commission; address fee administration for maintenance inspections; address fee administration for wiring permits; and eliminate the requirement for a wiring permit, inspection fee or inspection for</p>

		modular homes or modular structures exported out of South Dakota; 35 SDR 227.
4-20-2009	Revenue and Regulation: Division of Insurance	Amend rules to repeal duplicative authority and to define premium for premium tax reporting purposes; 35 SDR 227.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 21, 2009, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: May 12, June 9, July 28, September 1, October 6, November 18, and December 15.

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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