

REGISTER



South Dakota Legislative Research Council

Volume 35

Monday, 8:00 a.m., April 6, 2009

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

Department of Revenue and Regulation: Division of Insurance: (March 30, 2009) intends to adopt EMERGENCY rules to implement special continuation rights for individuals in the State of South Dakota. The general authority for these rules, as cited by the division, is SDCL 58-18-79.

A copy of the proposed rules may be obtained from the South Dakota Division of Insurance, 445 East Capitol Avenue, Pierre, South Dakota 57501-1234.

Department of Social Services: (April 1, 2009) has filed a rule amendment to establish new parameters for the monthly gross and net income eligibility standards for food stamp households and to establish a household's maximum food stamp allotment based on the established thrifty food plan.

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.

Secretary of State: Board of Elections: (April 1, 2009) intends to amend rules to clarify the address which the voter registration address verification notice is mailed to and include information on how to handle the notice if that person is no longer residing at that address; amend language in the notice of election for special district formation to clarify when the trustee election will be held; amend the

municipal election ballot to include a list of the types of municipal governing boards; amend the certificate of nomination to fill vacancy form to include the principal residence address of the candidate; amend the approval of automatic tabulating system requirements for certification; amend the instructions to absentee voters to include instructions to not return the absentee ballot to the polling place; amend the type of seal used for sealing a ballot box; require the use of paper seals on the ballot box; amend the certification by precinct election board to include certification language for election boards which use electronic pollbooks; remove the date of the election from the official stamp for ballots; modify absentee ballot envelopes; repeal color requirement for special district ballots; add ballot format for special district formation elections; add ballot for school district reorganization elections; add ballot format for sanitary district elections; add petition form for establishing or eliminating school board representation areas; add petition form for referring the discontinuance of an attendance center; and put security measures in place for the use of electronic pollbooks. The general authority for these rules, as cited by the office, is SDCL 6-16-8, 12-1-9, 12-4-35, 12-17B-17, and 12-20-52.

A public hearing will be held on May 7, 2009, at 3:00 p.m. CST in Dakota Digital Network locations at the State Capitol, 500 E. Capitol Avenue, Room B12, Pierre, South Dakota 57501 and University of South Dakota State University, 2205 Career Place, University Center Building, Room 282, Sioux Falls, South Dakota 57107. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State,

Election Department, 500 East Capitol, Pierre, South Dakota 57501 or the proposed rules may be obtained at

www.sdsos.gov/electionsvoteregistration/boardofelections.shtm. Written comments must be received on or before May 1, 2009, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF

INSURANCE: 120:06:40:19, 120:06:40:20, 120:06:40:21, and 120:06:40:22.

History-Notice: 35 SDR 233, April 6, 2009
 Hearing: N/A
 Filed: April 2, 2009
 Effective: April 2, 2009

DEPARTMENT OF SOCIAL SERVICES: 67:11:01:03

History-Notice: 35 SDR 227, March 30, 2009
 Hearing: N/A
 Filed: April 1, 2009
 Effective: April 1, 2009

DEPARTMENT OF SOCIAL SERVICES: 67:46:04:13.

History-Notice: 35 SDR 227, March 30, 2009
 Hearing: N/A
 Filed: April 1, 2009
 Effective: April 1, 2009

DEPARTMENT OF SOCIAL SERVICES: 67:46:07:03 and 67:46:07:12.

History-Notice: 35 SDR 228, March 30, 2009
 Hearing: N/A

Filed: April 1, 2009
 Effective: April 1, 2009

DEPARTMENT OF CORRECTIONS: PAROLE SERVICES DIVISION: 17:61:01:12.

History-Notice: 35 SDR 179, January 5, 2009
 Hearing: January 30, 2009
 Filed: April 1, 2009
 Effective: April 21, 2009

Executive Order:

The Governor has issued a new Executive Order 2009-03 dated March 31, 2009. This order declares that the offices of state government, within the executive branch, shall be administratively closed on Good Friday, the 10th day of April, 2009.

Executive Appointments:

Kurt Pfeifle, Miller, was appointed on March 26, 2009, to the **Housing Development Authority**, to replace James Roby, effective April 1, 2009, and shall continue until June 30, 2013.

Faron G. Wahl, Sioux Falls, was appointed on March 31, 2009, to the State Fair Commission, to replace **Megan Stahl**, effective March 31, 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

4-8-2009	Health: Joint Boards of Nursing and Medical and Osteopathic Examiners	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.
4-14-2009	Agriculture: Weed and Pest Control Commission	Amend a rule to add Sulfur cinquefoil to the local noxious weed and declared pest list; 35 SDR 223.
4-16-2009	Labor: Electrical Commission	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; 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.
5-7-2009	Secretary of State: Board of Elections	Amend rules to clarify the address which the voter registration address verification notice is mailed to and include information on how to handle the notice if that person is no longer residing at that address; amend language in the notice of election for special district formation to clarify when the trustee election will be held; amend the municipal election ballot to include a list of the types of municipal governing boards; amend the certificate of nomination to fill vacancy form to include the principal residence address of the candidate; amend the approval of automatic tabulating system requirements for certification; amend the instructions to absentee voters to include instructions to not return the absentee ballot to the polling place; amend the type of seal used for sealing a ballot box; require the use of paper seals on the ballot box; amend the certification by precinct election board to include certification language for election

		boards which use electronic pollbooks; remove the date of the election from the official stamp for ballots; modify absentee ballot envelopes; repeal color requirement for special district ballots; add ballot format for special district formation elections; add ballot for school district reorganization elections; add ballot format for sanitary district elections; add petition form for establishing or eliminating school board representation areas; add petition form for referring the discontinuance of an attendance center; and put security measures in place for the use of electronic pollbook; 35 SDR 233.
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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>.