

REGISTER



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Monday, 8:00 a.m., April 12, 2004

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

South Dakota Board of Regents: (April 6, 2004) intends to adopt **EMERGENCY** rules to implement the South Dakota Opportunity Scholarship Program. The rules will establish the conditions of eligibility to receive the scholarship award, the requirements for retaining eligibility and the conditions recipients and participating institutions must meet to assure the operation of the program as envisioned by the Legislature. The general authority for these rules, as cited by the board, is SDCL 13-55-36.

A copy of the proposed rules may be obtained from the South Dakota Board of Regents, 306 East Capitol, Suite 200, Pierre, South Dakota 57501.

Department of Labor: Board of Technical Professions: (April 8, 2004) has filed rules that will make it possible to use applications interactive over the internet, update references, change definitions, allow test vendors, permit students with five semesters of engineering to take the FE exam, provide for licensees to reactivate and reinstate, retake land surveying exam, add rules for fire alarm systems, and clarify expectations from licensees on exempt projects. The general authority for these rules, as cited by the board, is SDCL 36-18A-22, 36-18A-34, 36-18A-27, 36-18A-40, and 36-18A-42.

A public hearing will be held in Room 304, 3rd floor, 2040 W. Main Street, Rapid City, South Dakota, on May 10, 2004, at 1:00 p.m. Copies of the proposed rules may be obtained

from and written comments sent to the South Dakota Board of Technical Professions, 2040 W. Main, Suite 304, Rapid City, South Dakota 57702-2447. Written comments must be received by May 7, 2004, 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) 394-2510 at least forty-eight hours before the hearing.

NOTICE: The **South Dakota Lottery** is ending instant ticket game numbers 173 - Picture Perfect Bingo and 180 - Monopoly. The last day that prizes will be paid for these games is October 3, 2004.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:

The joint powers agreement between the **Department of Public Safety: Drivers Licensing Program** and **Mellette County** regarding the issuance of driver's licenses was terminated effective March 31, 2004.

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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

4-15-2004	Environment and Natural Resources: Board of Minerals and Environment	Adopt rules regarding risk compensation in compulsory pooling and unitization orders; 30 SDR 135.
4-19-2004	Social Services: Medical Services	Amend rules to update and clarify existing rules, adopt form and style changes, correct internal references, expand the categories of individuals eligible for medical services, amend eligibility criteria, specify that an individual's failure to avail himself or herself of all income and resources to which the individual is entitled results in ineligibility, specify that an overpayment constitutes a debt to and is subject to recovery by the department, incorporate the latest federal poverty levels, clarify the long-term care residency requirements, expand the list of income not considered when determining eligibility for long-term care or medical assistance, clarify how the department considers an individual's or couple's income and resources when determining eligibility for long-term care assistance, increase the SSI standard benefit amount, repeal unnecessary rules, and, for the Renal Disease Program, expand the list of entities not considered to be a third-party payer, amend eligibility criteria, and increase the rate of payment for travel expenses; 30 SDR 155.
4-20-2004	Revenue and Regulation: Division of Insurance	Clarify who is entitled to special enrollment provisions under HIPAA and to incorporate the updated mortality tables for ordinary life insurance; 30 SDR 151.
4-20-2004	Secretary of State	Repeal standard form rules regarding the Uniform Commercial Code and the central filing system; outline county requirements for the central recording of real property liens through Dakota Fast File; update the notary public forms; and amend the voter registration system; 30 SDR 151.
4-20-2004	Revenue and Regulation: Division of Banking	Adopt an examination fee for trust company examinations and a licensing fee for money order businesses, and amend the license fee rates for mortgage brokers, mortgage bankers, and money lending businesses; 30 SDR 155.
4-21-2004	Health	Amend rules regarding the Children's Special Health Services; 30 SDR 152.

4-23-2004	Revenue and Regulation	Impose municipal rate changes on sales by catalog companies that are preprinted; update reference material in rules; change the capitalization factor used to determine the capitalized income value; provide for two separate methods for sellers to compute tax on gross receipts; clarify definition of receive and receipt; clarify what portion of the delivery charge is taxable; repeal rules on the tax on transportation; clarify definition of permanent foundation for manufactured homes; change when the contractors' excise tax applies to manufactured buildings; 30 SDR 157.
4-26-2004	Agriculture: Division of Ag Development	Amend rules regarding the farm mediation program; 30 SDR 152.
5-3-2004	Corrections: Board of Pardons and Paroles	Amend rules to modernize the Parole Board's, Parole Service's, and the release date calculation operational procedures; 30 SDR 158.
5-10-2004	Labor: Board of Technical Professions	Amend rules that will make it possible to use applications interactive over the internet, update references, change definitions, allow test vendors, permit students with five semesters of engineering to take the FE exam, provide for licensees to reactivate and reinstate, retake land surveying exam, add rules for fire alarm systems, and clarify expectations from licensees on exempt projects; 30 SDR 161.
5-11-2004	Labor: Division of Labor and Management	Updated the Workers' Compensation fee schedule; 30 SDR 152.
5-11-2004	Agriculture: Division of Agricultural Services	Update rules to meet the 2003 Pasteurized Milk Ordinance; 30 SDR 156.
5-11-2004	Agriculture: Division of Agricultural Services	Update manufacturing grade rules pertaining to the production of milk and milk products; 30 SDR 157.
5-11-2004	Agriculture: Division of Agricultural Services	Update rules regarding the quarantine against Karnal bunt, a wheat disease; 30 SDR 157.
5-11-2004	Agriculture: Division of Agricultural Services	Update the noxious weed list; 30 SDR 157.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, April 20, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: May 18, June 3, August 3, and October 15.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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