

# REGISTER



## South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., May 9, 2011

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

**Department of Transportation:** (May 3, 2011) is proposing to amend a speed zone in Sioux Falls on Interstate Highway 90 to reduce the speed limit to 65 mile per hour west of the new Marion Road interchange; amend a speed zone in Sioux Falls on Interstate Highway 229 to reduce the speed of vehicles at the approach to the Interstate 90 entrance ramps; adopt a new speed zone in Sioux Falls on Interstate Highway 229 to provide a step-down speed approaching the existing Minnehaha County Road 125; amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to reduce speeds adjacent to commercial and residential areas in the city limits and the curves near the lakes; and repeal a speed zone in Minnehaha County on Interstate Highway 229 that is being incorporated into the new 70:01:02:00(5). The general authority for these rules, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the Commission Room of the Becker Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on May 26, 2011, at 9:05 a.m. CDST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building,

700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department by May 25, 2011, 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

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

#### Executive Appointment:

**Alan D. Ruhlman**, Aberdeen, was appointed on May 3, 2011, to the **Career Service Commission**, to replace Seb Axtman, effective May 2, 2011, and shall continue until April 22, 2015.

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

5-11-2011	Social Services: Division of Economic Assistance	Amend Supplemental Nutrition Assistance Program rules to remove inapplicable provisions, remove obsolete references, and update terminology; 37 SDR 195.
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5-11-2011	Social Services: Division of Economic Assistance	Amend Sales Tax on Food Refund Program rules to repeal inapplicable provisions, identify the annual enrollment period, clarify eligibility and benefit limits for former supplemental nutrition assistance benefits recipients, and update terminology; 37 SDR 195.
5-12-2011	Health: SD Board of Funeral Service	Amend 20:45:03:02 to allow students who are currently enrolled in an accredited Mortuary Science Program perform the same duties as a trainee and amend 20:45:03:03 to require some coursework in each area but not specify the exact amount; 37 SDR 181.
5-12-2011	Labor and Regulation: Division of Insurance	Amend rules to update the sources referenced in rule; incorporate the new 2011 Medicare deductibles and update the rules in accordance with federal regulations; updating cross references to SDCL 58-17C; add a trend test as a way to trigger the risk-based capital company action level for property and casualty insurers and update the sources referenced in rule; 37 SDR 195.
5-13-2011	Social Services: Division of Child Care Services	Amend Child Care Services rules to repeal obsolete rules, remove obsolete references, update terminology, add procedures for implementing and maintaining a waiting list, reduce the federal poverty level standard for determining eligibility, indicate that the department shall set reimbursement rates in the 75 <sup>th</sup> percentile subject to the availability of funds, clarify provider eligibility criteria, update the timeframe in which a household may report a change in circumstances, update the circumstances under which the department may withhold payment from a provider, clarify certain individuals ineligible to receive child care assistance, and remove duplicative provisions; 37 SDR 196.
5-16-2011	Education: Board of Education	Repeal rules to eliminate unnecessary language regarding school district general fund balances due to the repeal of statutes for excess general fund balance calculations; 37 SDR 187.
5-19-2011	Social Services: Division of Medical Services	Amend rules to update definitions; modify the basis of reimbursement and reimbursement amounts for inpatient services, outpatient services, and physician and other health services; modify dispensing fees for certain items dispensed by a pharmacy or public health service provider; and clarify

		reimbursement methodologies; 37 SDR 203.
5-19-2011	Social Services: Division of Medical Services	Adopt a rule to outline reimbursement guidelines for certain cost outlier claims submitted by in-state acute care hospitals; 37 SDR 204.
5-20-2011	Attorney General: 24/7 Sobriety Program	Amend rules to establish a definition of ignition interlock device, require the verification of installed ignition interlock devices by participating agencies, require the periodic inspection of those devices, establish standards for ignition interlock devices and permit the Attorney General to approve ignition interlock devices, clarify language regarding enrollment and placement of offenders on the 24/7 Sobriety Program, and establish fees within the range as established during the 2011 Legislative Session for twice-a-day PBT testing, urinalysis, drug testing, electronic alcohol monitoring testing, ignition interlock testing and participation fees; 37 SDR 196.
5-20-2011	Revenue: Division of Motor Vehicles	Amend a rule to change the definition of a trailer; 37 SDR 203.
5-24-2011	Agriculture: Division of Resource Conservation and Forestry	Adopt rules to set the procedures for the establishment of forest insect and disease control areas and the control measures needed to address declared forest health problems and to set procedures for establishing control areas for mountain pine beetles in the Black Hills; 37 SDR 203.
5-25-2011	Bureau of Personnel: Career Service Commission	Amend rules to clarify that the definition of "immediate family" includes step-brothers and step-sisters; clarify that a "temporary employee" is not entitled to benefits or other status rights; set time limits on the length of time that an employee is designated as "severely disabled," for purposes of the disability preference used by the Bureau of Personnel when the appointing authority must interview an applicant; revise outdated terminology; clarify that falsifying a time sheet is grounds for disciplinary action even without specific intent; clarify the criteria used in a layoff, the approval process by the Bureau of Personnel, and repeals the rule allowing an appeal of a layoff; update the terminology relative to the accrual, and allowed use of vacation leave, sick leave, and personal leave;

		and clarify that an appointing authority is not required to give prior notice to an employee of a furlough; 37 SDR 197.
5-26-2011	Bureau of Personnel	Repeal rules governing the Governor's Senior Prescription Drug Program of 2003; 37 SDR 197.
5-26-2011	Transportation	Amend a speed zone in Sioux Falls on Interstate Highway 90 to reduce the speed limit to 65 mile per hour west of the new Marion Road interchange; amend a speed zone in Sioux Falls on Interstate Highway 229 to reduce the speed of vehicles at the approach to the Interstate 90 entrance ramps; adopt a new speed zone in Sioux Falls on Interstate Highway 229 to provide a step-down speed approaching the existing Minnehaha County Road 125; amend a speed zone in the town of Lake Norden in Hamlin County on State Highway 28 to reduce speeds adjacent to commercial and residential areas in the city limits and the curves near the lakes; and repeal a speed zone in Minnehaha County on Interstate Highway 229 that is being incorporated into the new 70:01:02:00(5); 37 SDR 209.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 10, 2011. The committee chair has set the following tentative meeting schedule for the 2011 interim: June 7, July 12, August 30, September 27, November 15, and December 12.

**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>.