

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., May 10, 2010

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

Department of Social Services: Division of Medical Services: (April 30, 2010) intends to amend rules to revise definitions and modify the basis of reimbursement for inpatient and outpatient services. The general authority for these rules, as cited by the department, is SDCL 28-6-1, 28-6-1.1 and 21 USC 801, 812.

A public hearing will be held in DSS Conference Room, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on May 24, 2010, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by June 3, 2010, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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) 773-3165 at least 48 hours before the hearing.

Department of Environment & Natural Resources: Environmental Services: (May 4, 2010) intends to amend Air Emission Fees rules

to ensure the department maintains sufficient resources to implement the Title V air quality permit program and maintain the state's approval status from the EPA. The general authority for these rules, as cited by the department, is SDCL 34A-1-58.

A public hearing will be held at the Matthew Environmental Education and Training Center, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on May 25, 2010, at 10:00 a.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to the Brian Gustafson, Administrator Air Quality, Department of Environment and Natural Resources, 523 E. Capitol, Joe Foss Building, Pierre, South Dakota 57501 or by calling Lita Magedanz at 605-773-3151. Copies of the proposed rules and supporting documentation can also be obtained by visiting the Department's web page at <http://denr.sd.gov/des/eq/airprogr.aspx>. Written comments must be received by close of business on June 4, 2010, 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) 773-3151 at least 48 hours before the public hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF AGRICULTURE: SOUTH DAKOTA VETERINARY MEDICAL EXAMING BOARD:

20:57:02:03, 20:57:02:10, 20:57:02:12; and
20:57:03:04.

History-Notice: 36 SDR 137, March 8, 2010
 Hearing: April 9, 2010
 Filed: April 30, 2010
 Effective: May 20, 2010

Enforcement Civil Service Commission, effective immediately and shall continue until April 22, 2014.

Executive Appointments:

Richard Dickey, Sioux Falls, was reappointed on May 4, 2010, to the **Law Enforcement Civil Service Commission**, effective immediately and shall continue until April 22, 2014.

Rory King, Aberdeen, was appointed on May 4, 2010, to the **South Dakota Humanities Council**, to replace Jack Stengel, effective May 4, 2010.

Wally A. Eklund, Gregory County, was appointed on May 4, 2010, as **Judge of the Seventh Judicial Circuit Court of South Dakota**, effective immediately upon taking the oath of office.

LuAnn Werdle, Pierre, was appointed on May 4, 2010, to the **South Dakota Interagency Coordinating Council**, to replace Keith Moore, effective May 4, 2010.

Cindy Fisher, Kyle, was appointed on May 4, 2010, to the **South Dakota Interagency Coordinating Council**, to replace Anne Reddy, effective May 4, 2010, and shall continue until December 31, 2012.

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.

Greg Ingemunson, Black Hawk, was reappointed on May 4, 2010, to the **Law**

REMINDER OF HEARINGS SCHEDULED

5-11-2010	Social Services: Economic Assistance	Amend rules to expand the list of sources available for determining Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) eligibility; clarify eligibility and payment requirements related to the Auxiliary Placement Program; and update medical eligibility requirements to comply with federal provisions; 36 SDR 162.
5-11-2010	Social Services: Economic Assistance	Repeal obsolete rules within the Division of Economic Assistance relating to assistance payments; 36 SDR 163.
5-12-2010	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend a rule to provide for the issuance of a certificate to a canine team upon completion of certification standards and repeal a rule to clarify the Commission's decision on only accepting authorized individuals into training programs; 36 SDR 157.

5-12-2010	Secretary of State: Board of Elections	Amend rules to provide notice to felons being removed from the voter registration list, provide additional information on the municipal election cancellation notice, provide notice regarding felon disqualification, clarify ballot wording, update water development petition language, provide a form for precinct committeemen and women, require additional information on the absentee ballot log, add language to absentee voting materials to accommodate overseas voters requesting voting materials electronically and provide an uncounted absentee ballot envelope; 36 SDR 161.
5-13-2010	Revenue and Regulation: Division of Banking	Amend the record keeping requirements for trust companies chartered and regulated by the Division of Banking; reduce the number of copies of paper application forms required to be submitted to the Division of Banking for review and to require an electronic version of all application materials submitted; provide a definition for the term private trust company; provide additional guidance to South Dakota trust companies with regard to trust administration duties that may be done in South Dakota to comply with new statutory requirements; repeal duplicative language dealing with the background investigation process for mortgage license applicants which is now detailed in South Dakota law; establish surety bond requirements for mortgage licensees that take into consideration the dollar amount of loans originated, brokered, or serviced by mortgage licensees in South Dakota; increase the records retention timeframe from three years to five years for mortgage licensees; and clarify that only loan information specific to the licensees' activities in South Dakota are required to be reported on the mortgage call report for South Dakota; 36 SDR 157.
5-17-2010	Education: Board of Education	Amend rules to require all public school districts operating preschool programs to submit student enrollment data for their preschool students effective with the 2010-2011 school year and to provide for timelines and definitions; 36 SDR 169.

5-17-2010	Revenue and Regulation: Division of Insurance	Amend Medicare Supplement Insurance rules to incorporate the new 2010 Medicare deductibles, incorporate 2010 NAIC Model revisions, and update the rules in accordance with federal regulations; and amend a Producer Licensing rule to amend continuing education timeframes; 36 SDR 175.
5-21-2010	Human Services: Board of Social Work Examiners	Amend a rule to increase the exam fee for Social Worker Associate (Associate), Social Worker (Bachelor) and Certified Social Worker (Master) levels from \$200 to \$255 and for Certified Social Worker – Private Independent Practice (Clinical and Advanced Generalist) level from \$200 to \$285; 36 SDR 161.
5-21-2010	Revenue and Regulation: South Dakota Lottery Commission	Amend rules to authorize the Lottery upon initial application to license retailers to sell both on-line and instant tickets by taking advantage of technology that is now available to the Lottery with the new online gaming system and related products and service contract, to set the fees for on-line and instant license applications and annual license renewal, to set communications fees retailers licensed after July 1, 2010 will be required to pay, and to set sales benchmarks for retailers to meet to obtain a credit for the communications fees; 36 SDR 169.
5-21-2010	Environment and Natural Resources: Board of Water and Natural Resources	Repeal some sections of the Water Development District rules that are no longer valid due to legislative changes; 36 SDR 175.
5-21-2010	Environment and Natural Resources: Board of Water and Natural Resources	Amend Consolidated Water Facilities Construction Program rules to allow the board to award assistance from other funding programs to applicants applying for assistance from the program if the applicant is eligible for assistance from the other funding programs; raise minimum rate thresholds needed to have an application considered by the board; and eliminate the requirement that the board may only make a final decision on the award of funds after at least 12 hours have passed since the application has been presented to the board; amend State Water Pollution Control Revolving Fund Program rules to establish a system within the program to award additional subsidy through the use of principal forgiveness; allow the board to award

		<p>assistance from other funding programs to applicants applying for assistance from this program if the applicant is eligible for assistance from the other funding programs; modify the priority point criteria to award points for projects that qualify as green infrastructure, water or energy efficiency improvements or other environmentally innovative activity under the Act and other minor priority point adjustments; and change the application deadline from the 15th of January, April, July, and October to the 1st of January, April, July, and October and eliminate deadlines for applicants to submit a completed facilities plan; amend a Solid Waste Management Program rule to eliminate the requirement that the board may only make a final decision on the award of program funds after at least 12 hours have passed since the application has been presented to the board; and amend Drinking Water State Revolving Fund Program rules to establish a system within the program to award additional subsidy through the use of principal forgiveness; allow the board to award assistance from other funding programs to applicants applying for assistance from this program if the applicant is eligible for assistance from the other funding programs; modify the priority point criteria to award points for projects that qualify as green infrastructure, water or energy efficiency improvements or other environmentally innovative activity under the Act, eliminate points for the expansion of the service area of a community water system that is not operated by a municipality or sanitary district, and other minor priority point adjustments; and change the application deadline from the 15th of January, April, July, and October to the 1st of January, April, July, and October and eliminate deadlines for applicants to submit a completed facilities plan; 36 SDR 176.</p>
<p>5-21-2010</p>	<p>Labor: Board of Accountancy</p>	<p>Amend rules to update references; update reference to individual's certificate; update regional accreditation name, clarification of reciprocal license fee, and amendments to peer review to comply with the AICPA Peer Review Standards effective January 1, 2009;</p>

		36 SDR 176.
5-24-2010	Social Services: Division of Medical Services	Amend rules to revise definitions and modify the basis of reimbursement for inpatient and outpatient services; 36 SDR 183.
5-25-2010	Environment and Natural Resources: Environmental Services	Amend Air Emission Fees rules to ensure the department maintains sufficient resources to implement the Title V air quality permit program and maintain the state's approval status from the EPA; 36 SDR 183.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 8, 2010, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2010 interim: July 20, August 31, September 28, November 17, and December 20.

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>.