

REGISTER



South Dakota Legislative Research Council

Volume 28

Tuesday, 8:00 a.m., May 28, 2002

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

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

Department of Health: (May 20, 2002) intends to adopt rules which update the standards of the South Dakota Cancer Registry and rules that will require physicians qualified to diagnose fetal alcohol syndrome (FAS) to report suspected and diagnosed cases of FAS to the Department of Health to allow the department to calculate the prevalence of FAS. The general authority for these rules, as cited by the department, is SDCL 1-43-13, 34-24-17, and 34-24-27.

A public hearing will be held in the large conference room of the Health Lab Building, 615 East 4th Street, Pierre, South Dakota, on June 19, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Colleen Kozel, Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by June 29, 2002, 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) 773-3361 before the hearing.

Department of Game, Fish and Parks: (May 20, 2002) intends to adopt rules to require the use of certain wearable flotation devices by persons under age 7 and require that a Type V Hybrid personal flotation device is being used. The general authority for this rule, as cited by the department, is SDCL 32-3A-1.

A public hearing will be held at the Ramkota

RiverCentre, 920 West Sioux, Pierre, South Dakota, on June 6, 2002, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

Department of Environment and Natural Resources: Board of Minerals and Environment: (May 20, 2002) is proposing rules to make corrections and to clarify requirements applicable to hazardous waste facilities, add two wastes to the list of hazardous wastes, change certain land disposal restriction requirements, and clarify requirements for management of specific hazardous wastes. The general authority for these rules, as cited by the department, is SDCL 34A-11-8 and 34A-11-9.

A public hearing will be held in the Floyd Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on July 18, 2002, at 10:15 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Environment and Natural Resources, Waste Management Program, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. 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) 773-3153 at least forty-eight

hours before the hearing.

Department of Social Services: (May 23, 2002) intends to adopt rules under the authority of the Food Stamp Act of 1977 to further limit those instances when a household member may be disqualified from the Food Stamp Program for failing to perform a required action for another means-tested program. The effective date was August 1, 2001. The Food and Nutrition Service informed the department that the rule change adopted by the department on June 28, 2001, exceeded the parameters of the federal rules. These mandatory changes must be implemented by the State of South Dakota as a condition for participating in the Food Stamp Program. The general authority for this rule, as cited by the department, is SDCL 28-12-1.

Department of Commerce and Regulation: Board of Accountancy: (May 24, 2002) intends to adopt rules to comply with statutory authority provided in the new Accounting Practice Act, which becomes effective July 1, 2002. The new rules will define board administration procedures, examination requirements, certificate, license and permit requirements, continuing education requirements, professional conduct, and modification of discipline and peer reviews. The general authority for these rules, as cited by the board, is SDCL 36-20B-13, 36-20B-14, 36-20B-15, 36-20B-17, 36-20B-18, and 36-20B-54.

A public hearing will be held at the South Dakota Legislative Audit Office, 427 South Chappelle Street, Pierre, South Dakota, on Tuesday, June 11, 2002, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Accountancy Office, 301 East 14th Street, # 200, Sioux Falls, South Dakota 57104. Written comments must be received by June 10, 2002, 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) 367-5770 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:03:03; 41:04:02:14, 41:04:02:45; 41:06:01:03, 41:06:01:09, 41:06:01:10, 41:06:01:14; 41:06:07:02; 41:06:08:01; 41:06:10:01, 41:06:10:03, 41:06:10:04; 41:06:11:01; 41:06:16:08, 41:06:16:11, 41:06:16:11.01; 41:06:22:01, 41:06:22:02, 41:06:22:05; 41:06:26:02, 41:06:26:04; 41:06:29:03; 41:06:30:01, 41:06:30:02, 41:06:30:04; 41:06:37:01; 41:06:41:02, 41:06:41:04; 41:06:43:02, 41:06:43:04; 41:06:45:01, 41:06:45:02, 41:06:45:04; 41:06:47:02; 41:06:59:02, 41:06:59:04; 41:07:03:03; 41:08:06:01, 41:08:06:06, and 41:08:06:06.01.

History-Notice: 28 SDR 137, March 25, 2002
 Hearing: April 11, 2002
 Filed: May 15, 2002
 Effective: June 4, 2002

DEPARTMENT OF SOCIAL SERVICES: 67:16:01:07, 67:16:01:08; 67:16:02:05.02, 67:16:02:05.10, 67:16:02:05.11; Appendix A; Appendix B; 67:16:14:05; 67:16:25:03, 67:16:25:03.04; 67:16:31:02.01, and 67:16:31:04.

History-Notice: 28 SDR 138, March 25, 2002
 Hearing: April 15, 2002
 Filed: May 23, 2002
 Effective: June 12, 2002

On May 15th the **DEPARTMENT OF SOCIAL SERVICES** filed federal updates to the South Dakota Food Program Certification and Accountability Manual, regarding able-bodied adults without dependants, self-employment reporting forms, and categorical eligibility for Temporary Assistance to Needy Families (TANF) households.

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

6-6-2002	Game, Fish and Parks	Fall wild turkey hunting season, West River deer hunting season, elk tags; 28 SDR 163.
6-6-2002	Game, Fish and Parks	Life preservers required; 28 SDR 165.
6-7-2002	Commerce and Regulation: Chiropractic Examiners	Increase license fee, update sections on doctor/patient confidentiality, clarify code of ethics, update sanctions imposed regarding discipline; 28 SDR 146.
6-11-2002	Commerce and Regulation: Board of Accountancy	Board administration procedures, exam requirements, certificate, license and permit requirements, continuing ed requirements, professional conduct, discipline and peer reviews; 28 SDR 166.
6-13-2002	Commerce and Regulation: Board of Pharmacy	Authorize pharmacists to provide influenza immunizations, standards for packaging unit dose medications; regulate return of non-controlled medications from nursing homes and assisted living facilities; 28 SDR 154.
6-19-2002	Health	Cancer registry, fetal alcohol syndrome incidence; 28 SDR 165.
7-18-2002	Environment and Natural Resources: Board of Minerals and Environment	Requirements of hazardous waste facilities, add to hazardous waste list, land disposal restrictions, managing specific hazardous wastes; 28 SDR 165.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 11 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: August 6, September 17, November 20, and January 6.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

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

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 28 are \$20. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at <http://legis.state.sd.us>. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at MyLRC (<http://legis.state.sd.us/mylrc/index.cfm>).