

REGISTER



South Dakota Legislative Research Council

Volume 30

Monday, 8:00 a.m., June 21, 2004

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

Department of Agriculture: Animal Industry Board: (June 14, 2004) has filed rules to make regulation changes to clarify the definition of carcass and contract hauler; provide for a system of regulating the hauling of animal carcasses by independent operators contracting with rendering plants; and provide for identification and tracking of all nondomestic animals permitted for possession in South Dakota. The general authority for these rules, as cited by the board, is SDCL 40-3-14.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on July 12, 2004, at 2:00 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the Board Office by Friday, July 9, 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) 773-3321 at least 48 hours prior to the hearing.

Department of Revenue and Regulation: Division of Insurance: (June 15, 2004) has filed rules to update the dates of sources referenced; update the general authority and law implemented references; add a definition of severe cognitive impairment and allow an additional exclusion in long-term care policies; and define terms used in statute. The general authority for these rules, as cited by the

department, is SDCL 58-3-11, 58-3-26, 58-4-1, 58-4-48, 58-6-75, 58-17B-4, 58-17B-15, 58-18-79, 58-26-13.1, 58-26-46, 58-27-7, 58-27-108, and 58-30-195.

A public hearing will be held in the first floor conference room of the Anderson Building, 445 E. Capitol Avenue, Pierre, South Dakota, on July 12, 2004 at 10:00 a.m. Copies of proposed rules may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, Legal Division/Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185 or by emailing Ellen.Blauert@state.sd.us. Copies of the rules are also available at www.state.sd.us/drr or www.state.sd.us/insurance. Material sent by mail must reach the Division of Insurance by July 22, 2004, 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) 773-4701 at least 48 hours before the hearing.

Department of Game, Fish and Parks: (June 15, 2004) has filed rules to establish the number and types of licenses and tags available during antelope hunting season and East River deer hunting season in the applicable hunting units; establish the number and types of licenses and tags available during the National Wildlife Refuge deer hunting season in the applicable hunting units and modify the hunting season dates in certain hunting units; modify the hunting season dates during the youth waterfowl hunting season; modify the hunting season dates and length of the hunting seasons during the early fall Canada goose hunting season in certain units; modify the provisions relating to permitted uses of property enrolled in the Walk-

In Program and restrict its uses to hunting only unless otherwise permitted by the landowner or lessee. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-21, and 41-11-5.

A public hearing will be held at the Mundt Library Conference Room in Madison, South Dakota, on July 8, 2004, 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 Social Services: Office of Medical Services: (June 15, 2004) has filed rules to update and clarify existing rules; update reference materials; add and update cross-references; clarify the methodology used to calculate a hospital's DRG rate of reimbursement; establish a lower rate of reimbursement and the claim requirements that must be met for services provided in a psychiatric unit when the individual was retained in the unit beyond the established discharge date; amend the list of services that are subject to payment by the department and for which the department will pursue reimbursement from the third-party payment source; amend definitions; define terms; require a long-term care hospital unit to participate in the care management of Medicaid-eligible individuals and establish the requirements of participation; and revise the admission criteria for an infant being admitted to a neonatal intensive care unit. The general authority for these rules, as cited by the department, is SDCL 28-6-1 and 28-6-1.1.

A public hearing will be held in Conference

Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Monday, July 12, 2004, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by July 22, 2004, 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) 773-3305 at least 48 hours before the hearing.

Department of Environment and Natural Resources: Water Management Board: (June 15, 2004) has filed rules that will update references, correct typographical errors, clarify language, update toxic pollutant criteria, update ammonia criteria, and streamline the beneficial use requirement to allow the secretary to recommend water body reclassifications in a more timely fashion; review and reassign designated beneficial uses of certain lakes; and review and reassign designated beneficial uses of certain streams, rename certain streams, and correct typographical errors. The general authority for these rules, as cited by the department, is SDCL 34A-2-10, 34A-2-11, 34A-2-33, 34A-2-34, 34A-2-93, and 34A-2-113.

A public hearing will be held at the Floyd Matthew Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on July 7, 2004, at 9:00 a.m. CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to Patrick Snyder, Surface Water Quality Program, Department of

Environment and Natural Resources, 523 East Capitol, Pierre, South Dakota 57701-3182. Material sent by mail must reach the Surface Water Program by 5:00 p.m., July 2, 2004, in order to be taken into consideration. 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) 773-3351 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE AND REGULATION: 64:01:01:53; 64:02:01:13; 64:03:01:02.01; 64:04:01:20, 64:04:01:24, 64:04:01:25; 64:06:01:50, 64:06:01:62, 64:06:01:70; 64:06:02:34, 64:06:02:34.01, 64:06:02:34.05, 64:06:02:34.06, 64:06:02:34.07, 64:06:02:34.08; 64:06:03:63; and 64:07:01:07.01.

History-Notice: 30 SDR 157, April 5, 2004
 Hearing: April 23, 2004
 Filed: June 11, 2004
 Effective: July 1, 2004

DEPARTMENT OF REVENUE & REGULATIONS: DIVISION OF SECURITIES: Chapters 20:08:03, 20:08:04, 20:08:05, and 20:08:07.

History-Notice: 30 SDR 165, April 19, 2004
 Hearing: May 7, 2004
 Filed: June 11, 2004
 Effective: July 1, 2004

DEPARTMENT OF SOCIAL SERVICES: OFFICE OF ECONOMIC ASSISTANCE: 67:10:05:03, 67:10:05:04, 67:10:05:05; and 67:10:06:24.

History-Notice: 30 SDR 170, April 26, 2004
 Hearing: May 17, 2004
 Filed: June 11, 2004
 Effective: July 1, 2004

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: 24:15:06:01 to 24:15:06:35, inclusive; 24:16:02:03; 24:16:08:02, 24:16:08:07, 24:16:08:09, 24:16:08:10, 24:16:08:13, 24:16:08:15, 24:16:08:17, 24:16:08:19, 24:16:08:21, 24:16:08:24, 24:16:08:27, 24:16:08:29, 24:16:08:32, 24:16:08:34, 24:16:08:36, 24:16:08:37, 24:16:08:39, 24:16:08:41, 24:16:08:42, 24:16:08:44, 24:16:08:46, 24:16:08:47, 24:16:08:49, 24:16:08:50, 24:16:08:51, 24:16:08:52, 24:16:08:53, 24:16:08:54, 24:16:08:55, 24:16:08:56, 24:16:08:57, 24:16:08:58; 24:16:09:01, 24:16:09:02, 24:16:09:03; and 24:16:10:04.

History-Notice: 30 SDR 170, April 26, 2004
 Hearing: May 17, 2004
 Filed: June 15, 2004
 Effective: July 5, 2004

SOUTH DAKOTA BOARD OF REGENTS: 24:40:13:01 to 24:40:13:19, inclusive.

History-Notice: 30 SDR 165, April 19, 2004
 Hearing: May 13, 2004
 Filed: June 17, 2004
 Effective: July 7, 2004

Executive Appointments:

Dennis Daugaard, Garretson, was appointed on June 14, 2004, to the **Constitutional Revision Commission**, effective July 1, 2004, and shall continue until December 31, 2005.

Susan Humiston, Edgemont, was appointed on June 14, 2004, to the **State and Local Government Task Force**, effective July 1, 2004, and shall continue until December 31, 2005.

Jim Hutmacher, Oacoma, was appointed on June 14, 2004, to the **State and Local Government Task Force**, effective July 1, 2004, and shall continue until December 31, 2005.

Curt Jones, Britton, was appointed on June 14, 2004, to the **State and Local Government Task Force**, effective July 1, 2004, and shall continue until December 31, 2005.

immediately and shall continue until July 1, 2006.

David Calhoon, Spearfish, was appointed on June 15, 2004, to the **South Dakota Interagency Coordinating Council**, to replace Dr. Marilyn Urquardt, effective immediately and shall continue until December 31, 2006.

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.

Lisa Bryan, Spearfish, was appointed on June 16, 2004, to the **2010 Research and Commercialization Council**, effective

REMINDER OF HEARINGS SCHEDULED

6-24-2004	Transportation	Amend speed zones in Hughes, Meade, and Perkins Counties and increase the permit fees for oversize or overweight vehicles; 30 SDR 198.
6-28-2004	Social Services: Office of Medical Services	Amend rules to define terms, establish a system for reviewing and approving OTC items for coverage by the department, and amend the payment provisions for items dispensed by a pharmacy or PHS provider; 30 SDR 197.
7-7-2004	Environment and Natural Resources: Board of Water Management	Repeal two existing chapters of the state drinking water rules and update them by incorporating by reference the most recent published version of the Code of Federal Regulations for drinking water; 30 SDR 193.
7-7-2004	Environment and Natural Resources: Board of Water Management	Amend rules regarding the designated beneficial use classifications and water quality standards and the federal EPA requirements established for state surface water quality standards; 30 SDR 210.
7-8-2004	Game, Fish and Parks	Amend rules relating to antelope, East River deer, National Wildlife Refuge deer, youth waterfowl, and early fall Canada goose hunting seasons, and modify the provisions of the Walk-In Program; 30 SDR 209.
7-12-2004	Agriculture: Animal Industry Board	Adopt and amend rules regarding the definition of carcass and contract hauler; provide for a regulating system for hauling of animal carcasses; and provide for identification and tracking of nondomestic animals permitted for possession in South Dakota; 30 SDR 209.

7-12-2004	Revenue and Regulation: Division of Insurance	Amend rules to update the dates of sources referenced; update general authority and law implemented references; add a definition of severe cognitive impairment and allow an additional exclusion in long-term care policies; and define terms used in statute; 30 SDR 209.
7-12-2004	Social Services: Office of Medical Services	Amend rules to update and clarify certain rules, reference materials, and cross-references; clarify a hospital's DRG rate of reimbursement; establish a lower rate of reimbursement and claim requirements in a psychiatric unit; amend the list of services that are subject to payment by the department; require certain hospitals to care for Medicaid-eligible individuals; and revise admission criteria for an infant admitted to a neonatal intensive care unit; 30 SDR 210.
7-15-2004	Health: Board of Nursing	Amend rules to update the approval of nursing education programs with a major revision of accepting national nursing accreditation in lieu of the every four year on-site visit by the Board of Nursing for the purpose of maintaining on-going approval; add a rule for the regulation of distance education programs in nursing; amend the time period for calculation of the 75% pass rate requirement for first time writers on the licensing exam; and amend rules related to retaking the licensing examination; 30 SDR 197.
7-28-2004	Labor: State Plumbing Commission	Amend rules regarding plumbing installation practices as they relate to the Uniform Plumbing Code and to allow for apprentice plumber licensing beyond four years without fees involved; 30 SDR 203.

Rules Review Committee Meetings

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