

REGISTER



South Dakota Legislative Research Council

Volume 29

Monday, 8:00 a.m., June 23, 2003

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.)

Tourism and State Development: Board of Economic Development: (June 18, 2003) intends to adopt rules to implement the Value Added Tourism Sub Fund. The general authority for this rule, as cited by the commission, is SB 58.

A public hearing will be held in LCR 1 & 2, Third Floor, State Capitol Building, Pierre, South Dakota, on July 15, 2003, at 11:00 a.m. CT. A copy of the proposed rules may be obtained without charge from and written comments sent to the Department of Tourism and State Development, Capitol Lake Plaza, 711 East Wells Avenue, Pierre, South Dakota 57501. Written comments must be received by the department no later than July 14, 2003, 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) 773-5032 at least 48 hours before the hearing.

Department of Social Services: (June 19, 2003) intends to adopt rules relating to the Medical Services' Program that will incorporate by reference the federal poverty levels established by the federal government; incorporate by reference the latest versions of the Physicians' Current Procedural Terminology (cpt) and the International Classification of Diseases (ICD-9-CM); amend the definition of a "cost outlier"; update the list of Diagnostic Related Groups (DRGs) and their associated weights and lengths of stay and move the list of DRGs to the department's website; change the

reimbursement methodology for out-of-state hospital outpatient services; reduce the rate of reimbursement for inpatient services provided by out-of-state hospitals if the other state's Medicaid program refuses to price the claim; and move the list of outpatient laboratory services and fee schedule to the department's website. 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 Rooms #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Thursday, July 10, 2003, at 1:15 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. Written comments must be received by July 21, 2003, 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 Social Services: (June 19, 2003) intends to adopt a rule relating to the Food Stamp Program that would consider as exempt the following additional income: charitable donations or assistance used by the household to meet the household's basic needs,

student financial assistance, a gift up to \$100 that is received by a household member as a result of a recurring occasion such as a birthday, and interest income from a source other than a trust. The general authority for this rule, as cited by the department, is SDCL 28-12-1.

A public hearing will be held in Conference Rooms #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Thursday, July 10, 2003, at 2:00 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. Written comments must be received by July 21, 2003, 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 Social Services: (June 19, 2003) intends to adopt a rule under the authority of the Food Stamp Act of 1977, which establishes the parameters under which the Food and Nutrition Service (FNS) sets the monthly gross and net income eligibility standards for food stamp households based on the established thrifty food plan. The FNS will no longer publish in the Federal Register the annual updates to the monthly gross and net income eligibility standards, the maximum food stamp allotment, and the thrifty food plan. Effective with the publication of the October 30, 2000 Federal Register, the FNS will notify states of the annual updates with a policy memo on the FNS web site at www.fns.usda.gov/fsp. These limits are effective October 1, 2002.

Department of Social Services: (June 19, 2003) intends to adopt a rule under the authority of the Food Stamp Act of 1977, that will prohibit the state agency from increasing a food stamp household's benefits if public assistance benefits that the household is also receiving are reduced under a federal, state, or local means-tested public assistance program because of the failure of a food stamp household member to perform an action required under the assistance program or for fraud. The rule changes are mandatory changes that must be implemented by the State of South Dakota as a condition for a state participating in the Food Stamp Program. These provisions are effective July 1, 2003.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF COMMERCE & REGULATION: DIVISION OF BANKING:
20:07:06:01.

History-Notice: 29 SDR 139, April 7, 2003
Hearing: April 29, 2003
Filed: June 16, 2003
Effective: July 6, 2003

DEPARTMENT OF LABOR: DIVISION OF LABOR AND MANAGEMENT: 47:03:05:02 and 47:03:05 Appendix A.

History-Notice: 29 SDR 139, April 7, 2003
Hearing: May 16, 2003
Filed: June 16, 2003
Effective: July 6, 2003

Attorney General Appointments:

The following were appointed Assistant Attorney General or Special Assistant Attorney General:

Robert Anderson, June 16, 2003
Bobbi Benson, June 16, 2003

Neil Fulton, May 16, 2003, and June 5, 2003
Steve Johnson, May 16, 2003
Jerry Johnson, May 22, 2003
Craig Kennedy, May 16, 2003
Brett Koenecke, June 16, 2003
Patricia Meyers, May 16, 2003
Donald J. Ridings, June 16, 2003
Mike Shaw, May 16, 2003
Jeffrey T. Sveen, May 22, 2003
Roger Sudbeck, May 16, 2003
William Taylor, May 16, 2003
Matt Tobin, May 20, 2003
Brent Wilbur, May 16, 2003
Thomas Williamson, June 16, 2003

Executive Appointments:

James M. Neugebauer, Dimock, was reappointed on May 16, 2003, to the **American Dairy Association of South Dakota**, effective July 2, 2003, and shall continue until July 1, 2006.

Don Rounds, Pierre, was appointed on June 16, 2003, to the **Board of Water and Natural Resources**, to replace Jerry Kleinsasser, effective immediately and shall continue until July 1, 2004.

John Rock, Hot Springs, was appointed on June 16, 2003, to the **Board of Economic Development**, to replace Doreen Creed, effective immediately and shall continue until April 19, 2007.

Brian Jackson, Pierre, was appointed on June 16, 2003, to the **Petroleum Release Compensation Board**, effective immediately and shall continue until May 1, 2008.

John Mitchell, Rapid City, was appointed on June 18, 2003, to the **South Dakota Board of Accountancy**, to replace Darrell Strivens, effective July 1, 2003, and shall continue until July 1, 2007.

Greg Heineman, Sioux Falls, was appointed on June 18, 2003, to the **Board of Economic**

Development, to replace Slate Ronning, effective July 1, 2003, and shall continue until April 19, 2006.

Karn Barth, Sioux Falls, was appointed on June 18, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, to replace Wayne Blankenbiller, effective immediately and shall continue until June 30, 2006.

Dave Bozeid, Brookings, was appointed on June 18, 2003, to the **South Dakota Municipal Facilities Authority**, effective immediately and shall continue until June 30, 2007.

Tom Graham, Sioux Falls, was appointed on June 18, 2003, to the **South Dakota Municipal Facilities Authority**, effective immediately and shall continue until June 30, 2004.

Jeffory Erickson, Watertown, was appointed on June 18, 2003, to the **South Dakota Municipal Facilities Authority**, effective immediately and shall continue until June 30, 2005.

Harry Christianson, Rapid City, was appointed on June 18, 2003, to the **South Dakota Municipal Facilities Authority**, effective immediately and shall continue until June 30, 2004.

June Larson, Vermillion, was appointed on June 18, 2003, to the **South Dakota Board of Nursing**, to replace Lois Tschetter, effective July 1, 2003, and shall continue until July 1, 2004.

Patricia Wagner, Sioux Falls, was appointed on June 18, 2003, to the **South Dakota Board of Nursing**, to replace Patricia Foster, effective July 1, 2003, and shall continue until July 1, 2004.

Teresa Disburg, Pierre, was appointed on June 18, 2003, to the **South Dakota Board of Nursing**, to replace Cynthia Senger, effective

July 1, 2003, and shall continue until July 1, 2007.

Donald Simmons, Brookings, was appointed on June 18, 2003, to the **South Dakota Board of Nursing**, effective immediately and shall continue until July 1, 2007.

Doris Dufault, Hot Springs, was appointed on June 18, 2003, to the **South Dakota Board of Nursing**, to replace Debbie Hicks, effective immediately and shall continue until July 1, 2006.

Todd Wilkinson, De Smet, was appointed on June 18, 2003, to the **South Dakota Snowmobile Advisory Council**, to replace Jeff Metzinger, effective immediately and shall continue until July 1, 2005.

Francis Whitebird, Pierre, was appointed on June 18, 2003, to the **Hagen-Harvey Memorial Scholarship Board**, effective July 1, 2003, and shall continue until June 18, 2008.

Executive Proclamation:

Governor M. Michael Rounds has called a special session of the Legislature for Thursday, the Twenty-sixth day of June, 2003, to convene

at 10:00 a.m., CT. According to the Executive Proclamation the purpose of the session is to create, implement, and fund a risk pool for individual health insurance policies and to provide alternatives for existing basic and standard guaranteed issue health insurance policies.

Judicial Appointments:

Presiding Circuit Court Judge Max Gors, Pierre, was appointed on June 17, 2003, to the **Court Appointed Special Advocates Commission**, effective July 1, 2003, and shall continue until June 30, 2006.

Kimberly Max, Mitchell, was appointed on June 17, 2003, to the **Court Appointed Special Advocates Commission**, effective July 1, 2003, and shall continue until June 30, 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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

6-24-2003	Education: Board of Education	Adopt and amend rules that require that the Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission hold their respective meetings annually; that ensure that all teachers become highly qualified and to recognize the achievements of Nationally Board Certified teachers; require alternative certification teacher candidates submit copies of their state licensure exams to the department; and establish a teacher mentorship program;
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		29 SDR 163.
6-24-2003	Transportation	Repeal rules to eliminate the requirements regarding issuance, possession, and display of pilot photo identification; 29 SDR 168.
6-26-2003	Environment and Natural Resources: Board of Water and Natural Resources	Revise the director areas for the Central Plains water development district; 29 SDR 167.
6-26-2003	Transportation	Amend speed zones in Brown County on US Highway 12 and on SD Highway 37 through the city of Groton; 29 SDR 167.
7-1-2003	Labor: Public Utilities Commission	Adopt rules regarding the South Dakota Do-Not-Call Register; 29 SDR 168.
7-10-2003	Game, Fish and Parks	Amend antelope, East River deer, and early fall Canada goose hunting seasons; amend the application process for private shooting preserves; establish waterfowl refuges on Lake Oahe at Dry Creek, Okobojo Creek, and at the Whitlock Bay area; modify traps and snares requirements; adopt rules regarding taxidermists; 29 SDR 175.
7-10-2003	Social Services	Amend rules relating to the Medical Services' program; 29 SDR 181.
7-10-2003	Social Services	Adopt a rule relating to the Food Stamp Program that will consider some additional income as exempt; 29 SDR 181.
7-15-2003	Tourism and State Development: Board of Economic Development	Adopt rules to implement the Value Added Tourism Sub Fund; 29 SDR 181.
7-17-2003	Environment and Natural Resources: Board of Minerals and Environment	Update existing hazardous waste rules by incorporating the federal rules by reference; 29 SDR 163.
8-21-2003	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt a rule concerning compensation for a reserve officer; 29 SDR 175.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 5, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: September 8, October 6, and November 19.

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 available at the LRC office and on the LRC web site.

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