

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., September 14, 2009

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

Department of Health: Board of Pharmacy: (September 10, 2009) intends to repeal and adopt rules to protect all patients (including the home care patient) regarding safety standards for sterile compounding. The general authority for these rules, as cited by the board is SDCL 36-11-11.

A public hearing will be held in Rapid City at the Rapid City Regional Hospital Hospice House, 224 Elk Street, Rapid City, South Dakota, on October 2, 2009, at 1:00 p.m. MDT. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or sending comments to the South Dakota Board of Pharmacy, 4305 South Louise Ave., Suite 104, Sioux Falls, South Dakota 57106. Copies of the proposed rules may be viewed at the board website www.pharmacy.sd.gov or obtained without charge from the Board's office. Material sent by mail must reach the Board of Pharmacy on or before September 29, 2009, to be considered. Persons who have special needs for which the board can make arrangements are asked to call (605) 362-2737 before the hearing.

Department of Revenue and Regulation: Banking Commission and Division of Banking: (September 11, 2009) has filed rules to repeal Article 20:02, Savings and Loans, in its entirety; amend the application fee amounts paid by state chartered banks to move a main office or branch, to change control of a bank and adds a new fee for the establishment of a mobile branch bank; increase the annual supervision fee

paid by trust companies chartered in South Dakota and to require the Division to provide a fee calculator on its website for use by the trust companies; add an original license fee and renewal license fee for a mortgage brokerage license; implement a fee structure to pay the costs associated with the nationwide mortgage licensing system and registry; implement pre-licensing education and testing, amend current continuing education for mortgage loan originators and to create a challenge process for information entered onto the nationwide mortgage licensing system and registry by the Division; and increase the annual renewal fee for entities licensed to transmit money in South Dakota pursuant to chapter 51A-17. The general authority for these rules, as cited by the department, is SDCL 51A-2-13, 51A-2-36, 51A-3-7, 51A-6A-33, 51A-17-19, 52-2-8, 52-2-8.1, 52-4-27, 52-10-8, 54-14-16, 54-14-19, 54-14-31, and 54-14-34.

A public hearing will be held in Room 412 of the State Capitol, 500 E. Capitol Avenue, Pierre, South Dakota on October 13, 2009, at 11:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Division of Banking, 217 ½ West Missouri Avenue, Pierre, South Dakota 57501, or by emailing Lynda.Fratzke@state.sd.us. Copies of the rules are also available at the division's website: <http://www.state.sd.us/banking>. Material sent by mail must reach the division by October 13, 2009, for proposed rules of the Banking Commission and by October 23, 2009, for proposed rules of the Director of the Division of Banking, 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) 773-3421 at least 48 hours before the hearing.

Department of Revenue and Regulation:

Division of Insurance: (September 11, 2009) intends to adopt rules to include contracted Centers of Excellence in access plans filings and require health carriers to utilize registered Centers of Excellence; define medically necessary leaves of absence for dependent students enrolled on individual health benefit plans and the coverage rights of those students during that leave of absence; and define medically necessary leaves of absence for dependent students enrolled on group health benefit plans and the coverage rights of those students during that leave of absence. The general authority for these rules, as cited by the division, is SDCL 58-17-87, 58-17C-13, 58-17C-19, and 58-18-79.

A public hearing will be held in the Main Floor Conference Room, Anderson Building, Pierre, South Dakota, on October 21, 2009, at 10:00 a.m. Paper copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Revenue and Regulation, Division of Insurance, Administrative Rules, 445 E. Capitol Avenue, Pierre, South Dakota 57501-3185. Material sent by mail must reach the Division of Insurance by October 20, 2009, to be considered. The text of the proposed rules will be posted on the Department of Revenue and Regulation's website at

<http://www.state.sd.us/drr2/reg/insurance/Legal/hearing.htm>. The rules may also be obtained as a Microsoft Word attachment by emailing Melissa.Klemann@state.sd.us. 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) 773-3563 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF MINERALS AND ENVIRONMENT:

74:28:21:01, 74:28:21:02; 74:28:22:01; 74:28:23:01; 74:28:24:01; 74:28:25:01, 74:28:25:03, 74:28:25:04, 74:28:25:05; 74:28:26:01; 74:28:27:01; 74:28:28:01, 74:28:28:03, 74:28:28:04, 74:28:28:05; 74:28:30:01; and 74:28:33:01.

History-Notice: 35 SDR 252, April 27, 2009
Hearing: July 16, 2009
Filed: September 8, 2009
Effective: September 28, 2009

DEPARTMENT OF HEALTH: BOARD OF EXAMINERS IN OPTOMETRY: 20:50:04 Appendix A.

History-Notice: 36 SDR 7, July 20, 2009
Hearing: August 13, 2009
Filed: September 10, 2009
Effective: September 30, 2009

DEPARTMENT OF TRANSPORTATION: 70:01:02:49.

History-Notice: 36 SDR 1, July 6, 2009
Hearing: July 23, 2009
Filed: September 10, 2009
Effective: September 30, 2009

Executive Appointments:

Don Zeller, Pierre, was appointed on September 10, 2009, to the **State Capitol Complex Restoration and Beautification Commission**, to replace Charles Burke, effective September 9, 2009, and shall continue until June 30, 2010.

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

9-30-2009	Public Utilities Commission: One-Call Notification Board	Amend rules to identify and classify those facilities that have the potential to cause significant environmental or safety hazards such as those transporting petroleum products and hazardous materials separate from all other underground facilities; clarify the organizational structure of the Board; require all underground facilities to be maintained in a database separate from all other facilities; allow the excavator to request notification when the facility operator identifies, prior to field dispatch, that they do not have any underground facilities in the excavation area; require the Center, at the close of the locate request, to notify the excavator making a locate request when there may be high profile facilities in the area where they have identified an intent to excavate; and provide a detailed process for identifying and excavating in proximity to a high profile underground facility and reducing the possibility of damage to this type of facility; 36 SDR 37.
9-30-2009	Public Safety: SD 911 Coordination Board	Adopt rules to establish operational, technical, and procedural standards for public safety answering points (PSAPs), to establish allowable costs associated with the operation of a PSAP, and to establish financial reporting criteria for PSAPs; 36 SDR 39.
10-2-2009	Health: Board of Pharmacy	Repeal and adopt rules to protect all patients (including the home care patient) regarding safety standards for sterile compounding; 36 SDR 43.
10-13-2009	Revenue and Regulation: Banking Commission and Division of Banking	Repeal Article 20:02, Savings and Loans, in its entirety; amend the application fee amounts paid by state chartered banks to move a main office or branch, to change control of a bank and adds a new fee for the establishment of a mobile branch bank; increase the annual supervision fee paid by trust companies chartered in South Dakota and to require the Division to provide a fee calculator on its website for use by the trust companies; add an

		original license fee and renewal license fee for a mortgage brokerage license; implement a fee structure to pay the costs associated with the nationwide mortgage licensing system and registry; implement pre-licensing education and testing, amend current continuing education for mortgage loan originators and to create a challenge process for information entered onto the nationwide mortgage licensing system and registry by the Division; and increase the annual renewal fee for entities licensed to transmit money in South Dakota pursuant to chapter 51A-17; 36 SDR 43.
10-21-2009	Revenue and Regulation: Division of Insurance	Adopt rules to include contracted Centers of Excellence in access plans filings and require health carriers to utilize registered Centers of Excellence; define medically necessary leaves of absence for dependent students enrolled on individual health benefit plans and the coverage rights of those students during that leave of absence; and define medically necessary leaves of absence for dependent students enrolled on group health benefit plans and the coverage rights of those students during that leave of absence; 36 SDR 44.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, September 29, 2009, in Room 412, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: November 18, and December 15.

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>.