

REGISTER



South Dakota Legislative Research Council

Volume 30

Monday, 8:00 a.m., September 15, 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.)

Department of Social Services: (September 11, 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, 2003.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in §§ 1-26-4 to 1-26-6, inclusive.

Department of Health: (September 12, 2003) intends to adopt rules to add clarity to definitions, terms, and statements; increase licensing fees; allow a less restrictive timeframe for signing physicians orders for hospitals; require facilities to establish and maintain nursing policies and procedures; ensure food safety; add the ALC rules adopted last year; better define significant change in relation to nutritional needs; allow a less restrictive timeframe for signing physician medication orders for hospitals; require records to be dated

and establish procedures to prohibit the authentication of records by unauthorized persons; remove redundant language and require that stored records must be reproducible; update swing-bed rules; change 90 day social services requirements; clarify new construction requirements; allow nursing facilities to conduct competency nurse aide evaluations onsite; broaden the intent of abuse or neglect to individual; and update adult foster care home nutrition. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-12-6, 34-12-13, 34-12-29, and 34-22-9.

A public hearing will be held in the Governor's small conference room, State Capitol Building, Pierre, South Dakota, on October 23, 2003, at 10:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to South Dakota Department of Health, Attn: Colleen Kozel, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website:

<http://www.state.sd.us/doh/News/index.htm>. Material sent by mail must be received by November 2, 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) 773-3361 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF

INSURANCE: 20:06:13:17.04, 20:06:13:21; 20:06:19:04; 20:06:20:05; 20:06:21:01.04, 20:06:21:05, 20:06:21:57 to 20:06:21:60, inclusive, 20:06:21:68, 20:06:21:69; 20:06:25:01, 20:06:25:01.01, 20:06:25:01.02, 20:06:25:02; 20:06:26:01; 20:06:30:07; 20:06:34:01 to 20:06:34:11, inclusive; 20:06:36:01, 20:06:36:04, 20:06:36:05; 20:06:37:01, 20:06:37:05, 20:06:37:07; 20:06:38:01, 20:06:38:24, 20:06:38:33; 20:06:39:32; and 20:06:47:01 to 20:06:47:08, inclusive.

History-Notice: 30 SDR 1, July 7, 2003
Hearing: July 24, 2003
Filed: September 8, 2003
Effective: September 28, 2003

DEPARTMENT OF REVENUE AND REGULATION: BUSINESS TAX:

64:01:01:29; 64:06:03:61, 64:06:03:62; and 64:09:01:28.

History-Notice: 30 SDR 1, July 7, 2003
Hearing: August 6, 2003
Filed: September 9, 2003
Effective: September 29, 2003

DEPARTMENT OF REVENUE AND REGULATION: REAL ESTATE

COMMISSION: 20:69:03:02, 20:69:03:04, 20:69:03:24, 20:69:03:25; 20:69:04:03 to 20:69:04:05, inclusive, 20:69:04:08, 20:69:04:13, 20:69:04:22; 20:69:06:04, 20:69:06:05; and 20:69:10:03.

History-Notice: 30 SDR 5, July 14, 2003
Hearing: August 20, 2003
Filed: September 10, 2003
Effective: September 30, 2003

DEPARTMENT OF GAME, FISH AND

PARKS: 41:03:01:34; 41:04:01:06; 41:04:02:02, 41:04:02:30, 41:04:02:32, 41:04:02:33, 41:04:02:39, 41:04:02:41, 41:04:02:49, 41:04:02:50, 41:04:02:58, 41:04:02:66; 41:06:16:02, 41:06:16:02.01, 41:06:16:03, and 41:06:16:05.

History-Notice: 30 SDR 9, July 21, 2003
Hearing: August 7, 2003
Filed: September 11, 2003
Effective: October 1, 2003

ATTORNEY GENERAL: LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING COMMISSION: 02:01:07:03.01.

History-Notice: 29 SDR 175, June 16, 2003
Hearing: August 21, 2003
Filed: September 11, 2003
Effective: October 1, 2003

DEPARTMENT OF LABOR: STATE PLUMBING COMMISSION: 20:53:02:22, 20:53:02:22:01; 20:53:10:01 to 20:53:10:04, inclusive.

History-Notice: 29 SDR 187, June 30, 2003
Hearing: July 23, 2003
Filed: September 11, 2003
Effective: October 1, 2003

Executive Appointments:

Kay Tieszen, Pierre, was appointed on September 5, 2003, to the **South Dakota Commission on Health Care**, effective immediately and shall continue until July 1, 2004.

Executive Order:

The Governor has signed **Executive Order 2003-04**. This order states that the Personnel Management Advisory Board be continued.

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

9-18-2003	Revenue & Regulation: South Dakota Risk Pool Board	Adopt rules for the Risk Pool pertaining to eligibility, outline the appeals process, specify the process of payment of agent commissions, specify the process of payment for premiums, clarify plan provisions, and address other risk pool requirements; 30 SDR 33.
9-19-2003	Education: Professional Teachers Practices and Standards Commission	Amend rules to require that the commission hold its meetings annually; 30 SDR 25.
9-25-2003	Transportation	Amend speed zones in Brookings, Kingsbury, Pennington, and Shannon Counties; 30 SDR 35.
9-25-2003	Revenue & Regulation	Amend rules to change the names of the Department of Commerce and Regulation, Secretary of Commerce and Regulation, Department of Revenue, and Secretary of Revenue to the Department of Revenue and Regulation and Secretary of Revenue and Regulation; 30 SDR 35.
10-14-2003	Tourism and State Development: Board of Economic Development	Amend rules to allow Regional Revolving Loan Funds the ability to borrow from the REDI Fund; 30 SDR 33.
10-23-2003	Health	Amend rules to conform to the current health and safety standards; permit appropriate independence of residents; define construction and operational requirements for hospitals using seclusion rooms; ensure food safety; and follow the less restrictive federal requirements for signing of physician's orders; 30 SDR 39.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Monday, October 6, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: November 14. **(Please note that this date has changed.)**

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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