

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., September 28, 2009

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

Department of Agriculture: Agricultural Services: (September 25, 2009) intends to amend rules to define milk buyer and to charge the assessment fee as allowed in SDCL 40-32-25. The general authority for these rules, as cited by the department, is SDCL 39-6-9 and 40-32-25.

A public hearing will be held at the SD Department of Agriculture, Matthews Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, South Dakota, on October 22, 2009, at 1:00 p.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to South Dakota Department of Agriculture, Division of Agricultural Services, Dairy and Egg Office, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by October 31, 2009, to be considered. For access assistance, handicapped persons may call (605) 773-3796, before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF SOCIAL SERVICES: ADULT SERVICES AND AGING:

67:55:01:03 to 67:55:01:06, inclusive;
67:55:02:06, 67:55:02:11; 67:55:04:01 to
67:55:04:05, inclusive, 67:55:04:07 to
67:55:04:12, inclusive, 67:55:04:14 to
67:55:04:17, inclusive, 67:55:04:19,
67:55:04:20, 67:55:04:24, and 67:55:04:25.

History-Notice: 36 SDR 13, July 27, 2009
Hearing: August 17, 2009
Filed: September 21, 2009
Effective: October 12, 2009

Executive Appointment:

Tom Glover, Burke, was appointed on September 21, 2009, to the **State Conservation Commission**, to replace Casey Krogman, effective September 21, 2009, and shall continue until January 1, 2012.

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

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| 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 |

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| | | 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. |
| 10-22-2009 | Agriculture: Division of Agricultural Services | Amend rules to define milk buyer and to charge the assessment fee as allowed in SDCL 40-32-25; 36 SDR 51. |

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>.

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 36 are \$25. 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.aspx>).