

REGISTER

South Dakota Legislative Research Council



Volume 29

Monday, 8:00 a.m., December 16, 2002

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 Transportation: (December 10, 2002) intends to adopt rules to amend a speed zone in Brookings County on US Highway 14 east of Volga to eliminate the 55 mile per hour speed limit on the newly reconstructed segment of road and to adopt a rule prohibiting parking along the south side of Omaha Street in Rapid City from the intersection of East Boulevard, west to the intersection with Third Street. The general authority for these rules, as cited by the department, is SDCL 32-25-7 and 32-30-2.4.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on January 23, 2003, at 9:05 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received by January 22, 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) 773-3265 at least forty-eight hours before the hearing.

Department of Social Services: (December 12, 2002) intends to adopt rules relating to the Low Income Energy Assistance Program (LIEAP) and the Energy Crisis Intervention Program (ECIP). Under LIEAP the rules changes will update and clarify existing rules; remove the time limits for submitting an application for

assistance; amend the process for determining a household's income; no longer link income eligibility to 140 percent of the federal poverty level; expand the types of income that may be excluded from consideration; amend payment provisions; allow a change in an energy supplier under certain circumstances; and regarding ECIP, require a household to produce certain documentation when applying for ECIP assistance. The general authority for these rules, as cited by the department, is SDCL 28-1-50.

A public hearing will be held in Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Monday, January 6, 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 January 16, 2002, 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 forty-eight hours before the hearing.

Department of Social Services: (December 12, 2002) intends to amend rules to reflect the Department's current operating practices with respect to the payment of durable medical equipment covered under the medical assistance

program, including: instituting new billing codes for certain medical equipment; changing the minimum age at which an individual is subject to cost sharing to be consistent with the Children's Health Insurance Program (CHIP); deleting billing codes for certain medical equipment; changing the coverage limits for blood glucose monitors; and incorporating the Medicare maximum allowances for durable medical equipment which are used to determine the rate of reimbursement for certain items of equipment. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Monday, January 6, 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 January 16, 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 forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF COMMERCE AND REGULATION: DIVISION OF BANKING:
20:07:03:12.

History-Notice: 29 SDR 25, August 19, 2002
Hearing: September 17, 2002

Filed: December 4, 2002
Effective: December 24, 2002

DEPARTMENT OF COMMERCE AND REGULATION: BOARD OF SOCIAL WORK EXAMINERS: 20:59:01:01, 20:59:01:02.01, 20:59:01:04.01, 20:59:01:07, 20:59:01:08, 20:59:01:10.01, 20:59:01:10.06, 20:59:01:11, 20:59:01:12, 20:59:01:14, 20:59:01:15; 20:59:02:01, 20:59:02:03.03, 20:59:02:04; 20:59:04:01, 20:59:04:01.01, 20:59:04:02, 20:59:04:06, 20:59:04:07, 20:59:04:08; 20:59:05:01, 20:59:05:03, 20:59:05:05, 20:59:05:07, 20:59:05:09; and 20:59:06:01.

History-Notice: 29 SDR 15, July 29, 2002
Hearing: September 30, 2002
Filed: December 4, 2002
Effective: December 24, 2002

Executive Appointments:

Cobbie Magness, Huron, was reappointed on December 2, 2002, to the **Animal Industry Board**, effective immediately and shall continue until July 1, 2006.

Mike Ortner, Hot Springs, was appointed on December 2, 2002, to the **South Dakota Commission on Gaming**, to replace John Luisi, effective immediately and shall continue until April 14, 2005.

James A. Olson, Aberdeen, was reappointed on December 5, 2002, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until July 1, 2004.

Jeffrey L. Rausch, Pierre, was reappointed on December 6, 2002, to the **State Board of Examiners in Optometry**, effective immediately and shall continue until July 1, 2004.

Robert R. Gab, Eureka, was reappointed on December 6, 2002, to the **State Conservation**

Commission, effective immediately and shall continue until January 1, 2006.

David Fishbach, Faith, was appointed on December 6, 2002, to the **State Conservation Commission**, to replace William Keiry, effective immediately and shall continue until January 1, 2006.

John C. Gross, Madison, was reappointed on December 6, 2002, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2005.

Charles Moe, St. Francis, was reappointed on December 6, 2002, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2005.

William Dempsey, Brookings, was reappointed on December 6, 2002, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2006.

Jim D. Rarick, Spearfish, was reappointed on December 6, 2002, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2005.

David Padgett, Custer, was reappointed on December 6, 2002, to the **State Conservation Commission**, effective immediately and shall continue until January 1, 2005.

Hani Shafai, Rapid City, was appointed on December 12, 2002, to the **Board of Technical Professions**, to replace Dale Jans, effective immediately and shall continue until April 14, 2005.

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

12-18-2002	Commerce and Regulation: Division of Insurance	Amend rules for long-term care insurance, individual health policy premiums, and clarify who rules apply to regarding creditable coverage and pre-existing waiting periods; 29 SDR 79.
12-18-2002	Social Services: Medical Services	Adopt rules that allow the department to establish a state MAC list for certain drugs; 29 SDR 79.
12-19-2002	Secretary of State: Board of Elections	Adopt rules concerning instructions to voters, appointed candidates, party affiliation of certain independent candidates, voting systems, and absentee voting; 29 SDR 83.
12-20-2002	Education and Cultural Affairs	Repeal rules for a program that is no longer administered by the department and for a defunct

		federal program, clarify rules regarding the Robert Byrd Honors Scholarship program, modify selection criteria, and add additional date in which the submission of the student record form is due; 29 SDR 83.
1-6-2003	Social Services	Adopt rules relating to the Low Income Energy Assistance Program (LIEAP) and the Energy Crisis Intervention Program (ECIP); 29 SDR 91.
1-6-2003	Social Services	Adopt rules relating to durable medical equipment covered by the medical assistance program; 29 SDR 91.
1-23-2003	Transportation	Amend a speed zone in Brookings County and adopt a rule to prohibit parking in Pennington County; 29 SDR 91.
1-30-2003	Agriculture: Division of Ag Development	Increase application fee to \$100 for the Beginning Farmer Bond program; 29 SDR 87.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Monday, January 13, 2003, in Room 413 of the State Capitol.

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

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