

REGISTER

South Dakota Legislative Research Council



Volume 28

Tuesday, 8:00 a.m., October 9, 2001

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 Health: (October 2, 2001) is proposing rules to update regulations to conform to current health and safety standards in medical facilities; to control Legionella with higher water temperatures; to permit facilities to develop tuberculosis testing policies relative to population risks; to clarify the limitations of unlicensed staff to permit appropriate independence of residents in health care facilities; to remove certain requirements regarding medications; to ensure adult foster care clients receive necessary services; and to define construction, operational, and environmental requirements for in-patient chemical dependency treatment facilities. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-12-13, and 34-22-9.

A public hearing will be held in the large conference room in the Health Lab Building, 615 East Fourth Street, Pierre, South Dakota, on Tuesday, October 30, 2001, at 8:30 a.m. Copies of the proposed rules may be obtained from and written comments sent to Colleen Kozel, South Dakota Health Department, 600 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must reach the department by November 9, 2001, 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) 773-3356 at least forty-eight hours before the hearing.

South Dakota Investment Council: (October 3,

2001) intends to adopt rules to establish requirements to guide the Investment Council in investment of state funds in certificates of deposit in South Dakota public depositories. The general authority for these rules, as cited by the council, is SDCL 4-5-28.

A public hearing will be held in the President's East Room, Minnehaha Country Club, Sioux Falls, South Dakota, on Friday, November 2, 2001, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Investment Council, 4009 West 49th Street, Suite 300, Sioux Falls, South Dakota 57106-3784. Material sent by mail must reach the Investment Council by October 26, 2001, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the council can make arrangements are asked to call (605) 362-2820 at least forty-eight hours before the hearing.

Department of Transportation: (October 4, 2001) is proposing rules to adjust speed zones in the city of Yankton and in Turner County on SD 19 in the town of Viborg. The general authority for these rules, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on Thursday, December 6, 2001, 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 reach the department by December 5,

2001, 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 Game, Fish and Parks:

(October 5, 2001) intends to adopt an EMERGENCY rule to establish a daily limit of 10 perch at Waubay Lake in Day County and Pelican Lake in Codington County. The general authority for these rules, as cited by the department, is SDCL 41-2-18.

A copy of the proposed rule may be obtained from the Department of Game, Fish and Parks, 523 East Capitol, Pierre, South Dakota, 57501.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

OFFICE OF SECRETARY OF STATE:

05:04:03:01, 05:04:03:02, and 05:04:06:01 to 05:04:06:07, inclusive.

History-Notice: 28 SDR 23, August 13, 2001

Hearing: September 6, 2001

Filed: October 2, 2001

Effective: October 22, 2001

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

10-11-2001	Public Utilities Commission	Make motor carrier rules conform to state and federal law; 28 SDR 28.
10-16-2001	Bureau of Information and Telecommunications	State agencies use of electronic signatures and transactions; 28 SDR 47.
10-30-2001	Health	Conform to current health and safety standards in medical facilities, control Legionella with higher water temperatures; permit facilities to develop tuberculosis testing policies relative to population risk; clarify limitations of unlicensed staff; remove certain requirements regarding medications; ensure adult foster care clients receive necessary services; define requirements for in-patient chemical dependency treatment facilities; 28 SDR 53.
11-2-2001	SD Investment Council	Requirements to guide council in investment in certificates of deposit; 28 SDR 53.
12-6-2001	Transportation	Speed zones in Yankton and Viborg; 28 SDR 53.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Tuesday, October 23, at 7:00 a.m. in Room 413 of the State Capitol. The final meeting of the 2001 interim will be November 28.

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. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

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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