

REGISTER



South Dakota Legislative Research Council

Volume 35

Monday, 8:00 a.m., June 8, 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 Examiners for Nursing Home Administrators: (June 1, 2009) intends to amend rules to assist new applicants to understand the requirements; assist staff in providing explanations for all requirements; and assist licensees in securing more compliant continuing education hours. The general authority for these rules, as cited by the board, is SDCL 36-28-4, 36-28-10, 36-28-11, 36-28-12, , 36-28-13, 36-28-14, 36-28-18, and 36-28-21.1.

A public hearing will be held in the small conference room at 615 E. 4th Street, Pierre, South Dakota, on June 25, 2009, at 2:30 p.m. to consider the adoption of the proposed rules. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Nursing Home Administrators, P.O. Box 632, Sioux Falls, South Dakota 57101-0632. Written comments may also be emailed to sdnha.msp@midconetwork.com. Material sent by mail must reach the board by June 18, 2009, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 331-5040 at least 48 hours before the hearing.

NOTICE:

The **Department of Social Services** is proposing to revise the South Dakota Medicaid State Plan for liens and adjustments or recoveries and determinations of cost-

effectiveness of estate recoveries effective July 1, 2009. The proposed changes replace all of Attachment 4.17-A. The changes associated with this amendment are to effectively revise and update cost-effectiveness determination procedures and standards, but there is no reliable estimate of Federal Fiscal Impact. Copies of the plan revisions are available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments, may be sent to the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

Department of Tourism and State

Development: State Historical Society: (June 5, 2009) intends to amend update and clarify definitions that pertain to historic preservation; set standard fees for archaeological services and eliminate obsolete interlibrary book loaning services; revise the fee structure for state historic property tax moratorium processing fees and increase the existing fees; increase the fee for maps that are included with National Register of Historic Places nomination forms; update the effective date of the referenced regulations and publications; update the name and effective date of the referenced regulations and publications; and change the wording to reflect the current requirements for historic tax certification applications. The general authority for these rules, as cited by the department, is SDCL 1-18-31.2, 1-19A-5, 1-19A-11, 1-19A-13.5, 1-19A-27, 1-19A-29, 1-20-21.1, 42-7B-5, and 42-7B-46.

A public hearing will be held at 9:00 a.m. (CST) on July 10, 2009, at the Cultural Heritage

Center, 900 Governors Drive, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Historical Society, 900 Governors Drive, Pierre, South Dakota 57501-2217. Written comments must be received by July 10, 2009, 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) 773-3458 at least 48 hours before the hearing.

Department of Social Services: Medical Services: (June 5, 2009) intends to repeal and adopt rules to reflect the transfer of the Catastrophic County Poor Relief Program from the Department of Social Services to the South Dakota Association of County Commissioners. Changes will be made to update definitions; replace references; clarify that notices must be given in writing; and remove obsolete provisions. The general authority for these rules, as cited by the department, is SDCL 28-13A-4.

A public hearing will be held in the DSS Conference Room, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on June 29, 2009, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by July 9, 2009, 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) 773-3165 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Linda Biffert, Volga, was appointed on June 1, 2009, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2009, and shall continue until June 30, 2012.

Karla Bucknall, Rapid City, was appointed on June 1, 2009, to the **Board of Service to the Blind and Visually Impaired**, to replace Owen "Keith" Bundy, effective July 1, 2009, and shall continue until June 30, 2012.

Lyle Cook, Eagle Butte, was appointed on June 1, 2009, to the **Board of Service to the Blind and Visually Impaired**, to replace Dennis White Shield, effective July 1, 2009, and shall continue until June 30, 2012.

DeWayne Glassgow, New Underwood, was reappointed on June 1, 2009, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2009, and shall continue until June 30, 2011.

Patricia Johnson Riibe, Yankton, was appointed on June 1, 2009, to the **Drug and Alcohol Abuse Advisory Council**, to replace Dr. Suzanne Rueter, effective July 1, 2009, and shall continue until June 30, 2011.

Kira LeCompte, Aberdeen, was reappointed on June 1, 2009, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2009, and shall continue until June 30, 2011.

Dave L. Miller, Sioux Falls, was reappointed on June 1, 2009, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2009, and shall continue until June 30, 2012.

Linda Peitz, Yankton, was reappointed on

June 1, 2009, to the **South Dakota Certification Board for Alcohol and Drug Professionals**, effective July 1, 2009, and shall continue until June 30, 2012.

Wesley Scholl, Rapid City, was reappointed on June 1, 2009, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2009, and shall continue until June 30, 2012.

Kristi Spitzer, Leola, was reappointed on June 1, 2009, to the **South Dakota Certification Board for Alcohol and Drug Professionals**, effective July 1, 2009, and shall continue until June 30, 2012.

Marilyn Steffen, Yankton, was appointed on June 1, 2009, to the **Board of Service to the Blind and Visually Impaired**, to replace Gayle Aamold, effective July 1, 2009, and shall continue until June 30, 2012.

Kathy White, Sturgis, was reappointed on June 1, 2009, to the **South Dakota Certification Board for Alcohol and Drug Professionals**, effective July 1, 2009, and shall continue until June 30, 2012.

Rhonda Eidet, Watertown, was reappointed on June 2, 2009, to the **Family Support Council**, effective July 1, 2009, and shall continue until June 30, 2012.

Erin Horstmeyer, Sioux Falls, was reappointed on June 2, 2009, to the **Family Support Council**, effective July 1, 2009, and shall continue until June 30, 2012.

Duane Mackey, Vermillion, was reappointed to the Drug and Alcohol Abuse Advisory Council, effective July 1, 2009, and shall continue until June 30, 2011.

LaVerne Rens, Sioux Falls, was reappointed on June 2, 2009, to the **Family Support Council**, effective July 1, 2009, and shall continue until June 30, 2012.

Cindy Taber, Chamberlain, was reappointed on June 2, 2009, to the **Family Support Council**, effective July 1, 2009, and shall continue until June 30, 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

6-22-2009	Treasurer: Investment Council	Amend rules to remove the requirement that the investment council establish at a specific council meeting the date and time for setting the rate for the certificate of deposit program; 35 SDR 277.
6-25-2009	Social Services: Economic Assistance	Amend rules to update the payment schedules for all Temporary Assistance for Needy Families Program (TANF) assistance units; 35 SDR 291.
6-25-2009	Environment and Natural Resources: Board of Water and Natural Resources	Adopt rules to redistrict the director areas of seven water development districts; 35 SDR 291.

6-25-2009	Health: Board of Examiners for Nursing Home Administrators	Amend rules to assist new applicants to understand the requirements; assist staff in providing explanations for all requirements; and assist licensees in securing more compliant continuing education hours; 35 SDR 297.
7-16-2009	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2007 through June 30, 2008. Changes include amending existing requirements for recycling; clarification of compliance monitoring requirements for hazardous waste combustion operations; and amending requirements for the management of wastewater treatment sludges generated by automobile assembly operations; 35 SDR 352.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 9, 2009, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – NSU, 1200 S. Jay Street, Room Lib118; Huron – DOT, 901 Dakota St.; Mitchell – MTI, 1800 E. Spruce, Room TC156; Rapid City – SDSM&T, 501 E. St. Joseph St., Room CB108; and Sioux Falls – SFUC, 2205 Career Ave., Room 282S. The committee chair has set the following tentative meeting schedule for the 2009 interim: July 28, September 1, October 6, 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>.