

# REGISTER

*South Dakota Legislative Research Council*



*Volume 31*

*Monday, 8:00 a.m., June 27, 2005*

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

***Department of Agriculture:*** (June 23, 2005) has filed rules to establish the South Dakota Certified Beef Program. The general authority for these rules, as cited by the commission, is SDCL 39-24-6.

A public hearing will be held in the Legislative Conference Room (LCR) 1 and 2, third floor of the State Capitol at 500 East Capitol, Pierre, South Dakota, on July 12, 2005, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to South Dakota Department of Agriculture, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by July 22, 2005, 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) 773-5436 at least 48 hours before the public hearing.

***Department of Human Services: Division of Rehabilitation Services:*** (June 24, 2005) intends to adopt rules to establish requirements for the cochlear implant program. The general authority for these rules, as cited by the department, is SDCL 49-31-50.2.

A public hearing will be held in Room 412 of the Capitol Building, 500 E. Capitol Avenue, Pierre, South Dakota, on Tuesday, July 19, 2005, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to Velda Bartel, Department of Human Services, Hillview Plaza, East Highway 34, c/o 500 East Capitol, Pierre, South Dakota 57501-

5070. Written comments must be received by July 29, 2005, to be considered. Copies of the proposed rules may also be obtained on the Internet at [www.state.sd.us/dhs/drs/](http://www.state.sd.us/dhs/drs/) and comments can be emailed to [velda.bartel@state.sd.us](mailto:velda.bartel@state.sd.us). E-mail comments must include the name and address of the individual making the comments 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) 773-5990 or (605) 773-6412 TTY at least 48 hours before the hearing.

***Department of Social Services: Office of Economic Assistance:*** (June 24, 2005) intends to amend rules to increase the payment standard for the Temporary Assistance for Needy Families (TANF) Program. The general authority for these rules, as cited by the department, is SDCL 28-7A-3.

A public hearing will be held in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota, on Friday, July 15, 2005, at 9:00 a.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. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by July 25, 2005, 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 48 hours before the hearing.

***Department of Social Services: Office of Medical Services and Office of the Secretariat:*** (June 24, 2005) intends to amend rules that will update by reference the latest versions of the Physicians' Current Procedural Terminology (cpt) and the International Classification of Diseases, 9<sup>th</sup> Revision, Clinical Modification (ICD-9-CM); and amend a rule that incorporates by reference the latest federal poverty levels established by the federal government. The general authority for these rules, as cited by the department, is SDCL 25-4-45.3, 28-1-61, 28-6-1, 28-6A-12, 28-7A-3, and 28-7A-24.

A public hearing will be held in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota, on Friday, July 15, 2005, at 9:30 a.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. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by July 25, 2005, 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 48 hours before the hearing.

***Department of Social Services: Office of Medical Services:*** (June 24, 2005) intends to

adopt rules relating to Medicaid payment for care provided to children by a residential treatment facility. The general authority for these rules, as cited by the department, is SDCL 28-6-1.

A public hearing will be held in Room 413 of the State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota, on Friday, July 15, 2005, at 10:00 a.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. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by July 25, 2005, 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 48 hours before the hearing.

## **FILINGS IN THE SECRETARY OF STATES OFFICE:**

**DEPARTMENT OF LABOR: DIVISION OF LABOR AND MANAGEMENT:** 47:03:05:02, 47:03:05:02.01 and 47:03:05 Appendix A.

History-Notice: 31 SDR 153, April 11, 2005  
Hearing: May 10, 2005  
Filed: June 22, 2005  
Effective: July 12, 2005

## **Executive Appointments:**

**Tim Bjordal**, Sioux Falls, was appointed on June 13, 2005, to the **Emergency Medical**

**Services Advisory Committee**, effective immediately.

**Gordon Dekkenga**, Yankton, was appointed on June 13, 2005, to the **Emergency Medical Services Advisory Committee**, effective immediately.

**Tammy Dohman**, Groton, was appointed on June 13, 2005, to the **Emergency Medical Services Advisory Committee**, effective immediately.

**Amy Marsh**, Sioux Falls, was appointed on June 13, 2005, to the **Emergency Medical Services Advisory Committee**, effective immediately.

**Jim F. Walery**, Lennox, was appointed on June 13, 2005, to the **Emergency Medical Services Advisory Committee**, effective immediately.

**Don Weller**, Philip, was appointed on June 13, 2005, to the **Emergency Medical Services Advisory Committee**, effective immediately.

**Barbara Christianson**, Rapid City, was appointed on June 15, 2005, to the **Career Service Commission**, to replace Harry Peterson, effective immediately and shall continue until April 22, 2006.

**Lynn D. Boadwine**, Baltic, was reappointed on June 17, 2005, to the **Animal Industry Board**,

effective July 1, 2005, and shall continue until June 30, 2009.

**James W. Leafstedt**, Alcester, was reappointed on June 17, 2005, to the **Animal Industry Board**, effective July 1, 2005, and shall continue until June 30, 2009.

**Michael F. Ball**, Huron, was reappointed on June 21, 2005, to the **South Dakota Aeronautics Commission**, effective July 1, 2005, and shall continue until June 30, 2010.

**Robert N. Duxbury**, Wessington, was appointed on June 21, 2005, to the **Board of Minerals and Environment**, to replace Kathryn Johnson, effective immediately and shall continue until June 30, 2008.

**Travis Hamilton**, Okreek, was reappointed on June 21, 2005, to the **Independent Living Council**, effective July 1, 2005, and shall continue until June 30, 2008.

**Philomine Moran**, Eagle Butte, was reappointed on June 21, 2005, to the **Independent Living Council**, effective July 1, 2005, and shall continue until June 30, 2008.

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

7-6-2005	Environment and Natural Resources: Water Management Board	Amend uses assigned to streams for Minnesota River's tributaries' by designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to Labolt Lake Creek in Grant County; for Big Sioux River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment
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		<p>of an unnamed tributary of Skunk Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of an unnamed tributary of West Pipestone Creek in Minnehaha County, designating the beneficial use of warmwater semipermanent fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County, and designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to a segment of Big Ditch Creek in Union County; for Cheyenne River Basin by designating the beneficial use of coldwater permanent fish life propagation waters and limited contact recreation waters to a segment of Beaver Creek in Custer County; for Belle Fourche River Basin by designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Spring Creek, a tributary to the Redwater River in Lawrence County, designating the beneficial use of coldwater marginal fish life propagation waters and limited contact recreation waters to Rubicon Gulch Creek, a tributary of Spearfish Creek in Lawrence County; for Vermillion River Basin by designating the beneficial use of warmwater marginal fish life propagation waters and limited contact recreation waters to Blind Creek, a tributary of the Vermillion River in Lincoln County; 31 SDR 197.</p>
7-7-2005	Game, Fish and Parks	<p>Amend rules to modify the Antelope hunting season, the East River Deer hunting season, the Sage Grouse hunting season, and the Early Fall Canada Goose hunting season; permit the use of certain traps specifically designed to catch raccoons during specified times and locations; prohibit use of centerfire rifles on Cottonwood Lake Hatchery State Game Bird Refuge and only permit the use of shotguns (using shot shells) and bow and arrow on lands owned by the Otter Tail Power Company leased to the Department as a Game Production Area; increase the annual park entrance license fee from \$20 to \$23 (first vehicle) and from \$10 to</p>

		\$11.50 (additional vehicles) and require a park entrance license for entry into Rocky Point (effective April 1, 2006) and Bob's Landing; and make comprehensive modifications of rules and regulations relative to Park Concession Leases; 31 SDR 213.
7-12-2005	Agriculture	Adopt rules to establish the South Dakota Certified Beef Program; 31 SDR 219.
7-15-2005	Social Services: Economic Assistance	Amend rules that will increase the payment standard for Temporary Assistance for Needy Families (TANF) Program; 31 SDR 219.
7-15-2005	Social Services: Medical Services and Secretariat	Amend rules that will update by reference the latest versions of the <u>Physicians' Current Procedural Terminology (cpt)</u> and the <u>International Classification of Diseases, 9<sup>th</sup> Revision, Clinical Modification (ICD-9-CM)</u> ; and amend a rule that incorporates by reference the latest federal poverty levels established by the federal government; 31 SDR 220.
7-15-2005	Social Services: Medical Services	Adopt rules relating to Medicaid payment for care provided to children by a residential treatment facility; 31 SDR 220.
7-18-2005	Labor: Electrical Commission	Adopt the 2005 National Electrical Code, increase inspection fees, and revise local inspection system requirements; 31 SDR 209.
7-19-2005	Human Services: Rehabilitation Services	Adopt rules to establish requirements for the cochlear implant program; 31 SDR 219.

### ***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 9, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: September 20, October 18, December 6, and January 9, 2006.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.

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