

REGISTER



South Dakota Legislative Research Council

Volume 36

Monday, 8:00 a.m., October 5, 2009

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

***Department of Revenue and Regulation:
Appraiser Certification Program:***

(September 29, 2009) intends to amend rules to adopt the National Credit Union Administration's regulations establishing the \$250,000 threshold level; correct the term throughout the rules for supervising appraiser; correct spelling of a word, remove repetitive language; specifically state that personal inspections are the collective total of all of a state-registered appraiser's supervising appraisers; require the specific general college courses to be the equivalent of 3 semester credit hours; adopt the 2010-2011 Edition of the Uniform Standards of Professional Appraisal Practice; grant the secretary the authority for disciplinary action of an appraiser that has voluntarily surrendered a license or certificate in lieu of disciplinary action; require completion of the 7-hour uniform standards course to be completed in a timely manner after adoption; and require educational providers to submit student evaluations of each course offering to the secretary. The general authority for these rules, as cited by the department, is SDCL 36-21B-3 and 36-21B-4.

A public hearing will be held in the Department of Revenue and Regulation First Floor Conference Room, Anderson Building, Pierre, South Dakota, on November 6, 2009, at 10:00 a.m. A copy of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Appraiser Certification Program, 445 East Capitol Avenue, Pierre, South Dakota 57501-

3185. Material sent by mail must reach the department by November 5, 2009, to be considered at the public hearing. The department will keep the comment period open until November 16, 2009, for written comments. 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) 773-4608 at least 48 hours before the hearing.

Department of Health: Health Systems

Development and Regulation: (September 29, 2009) intends to amend rules to assure the public health and safety requirements are met in the licensed lodging and campground facilities regulated by the department (egress windows). The general authority for these rules, as cited by the department, is SDCL 34-1-17 and 34-18-22.

A public hearing will be held at the State Health Laboratory Building, 615 East 4th, Pierre, South Dakota, on October 14, 2009, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website: <http://doh.sd.gov/News>. Material sent by mail must reach the department by October 24, 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) 773-3361 at least 48 hours before the hearing.

Department of Environment and Natural Resources: Board of Water and Natural Resources:

Resources: (October 1, 2009) intends to adopt rules to amend the director areas of the East Dakota Water Development District and the James River Water Development District. The general authority for these rules, as cited by the department, is SDCL 46A-3C-6.

A public hearing will be held at the Matthew's Training Center, Foss Building, 523 East Capitol Ave., Pierre, South Dakota, on November 6, 2009, at 1:15 p.m. CST. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Environment and Natural Resources, Division of Financial and Technical Assistance, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3181. Copies may also be accessed on the department's web page at <http://denr.sd.gov/dfta/wp/wddrulesrevision09.pdf>. Written comments must reach the Board of Water and Natural Resources by November 5, 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) 773-4216 at least 48 hours before the hearing.

Department of Social Services: Economic Assistance: (October 1, 2009) intends to adopt rules to facilitate the administration of the Auxiliary Placement Program. The general authority for these rules, as cited by the department, is SDCL 13-28-39 and 28-6-1.

A public hearing will be held in Conference Room #2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on October 26, 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 November 5, 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.

Department of Social Services: Economic Assistance: (October 1, 2009) intends to amend Supplemental Nutrition Assistance Program (SNAP) rules to update definitions and references; conform with new simplified reporting requirements; repeal obsolete provisions that are inapplicable under new reporting requirements; and remove references and policies related to retrospective budgeting; amend Low Income Energy Assistance Program (LIEAP) rules to update definitions; allow categorically income eligible households automatic eligibility; update a reference; and exempt children under age 19 from duplicate payment provisions in certain situations. The general authority for these rules, as cited by the department, is SDCL 28-1-50, 28-7A-3, and 28-12-1.

A public hearing will be held in Conference Room #2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on October 26, 2009, at 9:30 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 November 5, 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.

Department of Social Services: Economic Assistance: (October 1, 2009) intends to amend Temporary Assistance for Needy Families (TANF) Program rules to update definitions and references; clarify existing procedures; clarify policy related to the protection and release of confidential information; conform with new simplified reporting requirements; repeal obsolete provisions that are inapplicable under new reporting requirements; remove references and policies related to retrospective budgeting; and update work activity provisions. The general authority for these rules, as cited by the department, is SDCL 28-7A-3, 28-7A-10, 28-7A-11, 28-7A-20, and 28-7A-24.

A public hearing will be held in Conference Room #2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on October 26, 2009, at 9:30 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 November 5, 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:

PUBLIC UTILITIES COMMISSION:

20:10:37:01 through 20:10:37:19, inclusive.

History-Notice: 36 SDR 21, August 3, 2009

Hearing: August 18, 2009

Filed: September 29, 2009

Effective: October 19, 2009

DEPARTMENT OF HEALTH: BOARD OF FUNERAL SERVICE:

20:45:02:02;
20:45:03:03; 20:45:04:04, 20:45:04:05,
20:45:04:07, and 20:45:04:08.

History-Notice: 35 SDR 317, June 29, 2009

Hearing: July 21, 2009

Filed: October 2, 2009

Effective: October 22, 2009

Executive Appointment:

John L. Noyes, Pierre, was appointed on October 1, 2009, to the **Veterans Commission**, to replace Paul Evenson, effective October 1, 2009, and shall continue until October 1, 2015.

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

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 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.
10-14-2009	Health: Health Systems Development and Regulation	Amend rules to assure the public health and safety requirements are met in the licensed lodging and campground facilities regulated by the department (egress windows); 36 SDR 55.
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.
10-26-2009	Social Services: Economic Assistance	Adopt rules to facilitate the administration of the Auxiliary Placement Program; 36 SDR 56.
10-26-2009	Social Services: Economic Assistance	Amend Supplemental Nutrition Assistance Program (SNAP) rules to update definitions

		and references; conform with new simplified reporting requirements; repeal obsolete provisions that are inapplicable under new reporting requirements; and remove references and policies related to retrospective budgeting; amend Low Income Energy Assistance Program (LIEAP) rules to update definitions; allow categorically income eligible households automatic eligibility; update a reference; and exempt children under age 19 from duplicate payment provisions in certain situations; 36 SDR 56.
10-26-2009	Social Services: Economic Assistance	Amend Temporary Assistance for Needy Families (TANF) Program rules to update definitions and references; clarify existing procedures; clarify policy related to the protection and release of confidential information; conform with new simplified reporting requirements; repeal obsolete provisions that are inapplicable under new reporting requirements; remove references and policies related to retrospective budgeting; and update work activity provisions; 36 SDR 57.
11-6-2009	Revenue and Regulation: Appraiser Certification	Amend rules to adopt the National Credit Union Administration's regulations establishing the \$250,000 threshold level; correct the term throughout the rules for supervising appraiser; correct spelling of a word, remove repetitive language; specifically state that personal inspections are the collective total of all of a state-registered appraiser's supervising appraisers; require the specific general college courses to be the equivalent of 3 semester credit hours; adopt the 2010-2011 Edition of the Uniform Standards of Professional Appraisal Practice; grant the secretary the authority for disciplinary action of an appraiser that has voluntarily surrendered a license or certificate in lieu of disciplinary action; require completion of the 7-hour uniform standards course to be completed in a timely manner after adoption; and require educational providers to submit student evaluations of each course offering to the secretary; 36 SDR 55.
11-6-2009	Environment and Natural Resources: Board of Water and Natural Resources	Adopt rules to amend the director areas of the East Dakota Water Development District and the James River Water Development District;

		36 SDR 56.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 18, 2009, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: 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>.