

REGISTER

South Dakota Legislative Research Council



Volume 33

Monday, 8:00 a.m., October 23, 2006

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

Department of Human Services: Division of Rehabilitation Services: (October 17, 2006) intends to adopt rules to amend the rule on denial, suspension, or revocation of certificate by removing the reference to the interpreter review panel; define "contact hour," "division," "educational interpreter performance assessment," "mentor," "nationally certified interpreter," and "registration;" outline the process and requirements for initial and annual registration for South Dakota and nationally certified interpreters; outline the process and requirements for obtaining a provisional certification; clarify the continuing education requirements; amend the fee schedule; and amend the medical, educational or legal settings to clarify what certification levels an interpreter may interpret in each setting. The general authority for these rules, as cited by the department, is SDCL 1-36A-10.5, 1-36A-12, and 1-36A-15.

A public hearing will be held in the International West room at the Holiday Inn City Centre, 100 West 18th St., Sioux Falls, South Dakota, on Monday, November 13, 2006, at 1:00 p.m. (CDT). 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 5:00 p.m. on November 23, 2006, to be considered. Copies of the proposed rules may also be obtained from the division's website

at www.state.sd.us/dhs/drs/ or by email velda.bartel@state.sd.us for a copy. 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.

FILINGS IN THE SECRETARY OF STATES OFFICE:

DEPARTMENT OF EDUCATION: BOARD OF EDUCATION: Article 24:16; 24:43:12:09 to 24:43:12:11, inclusive; and Article 24:53.

History-Notice: 33 SDR 25, August 14, 2006
Hearing: September 19, 2006
Filed: October 13, 2006
Effective: November 2, 2006

DEPARTMENT OF HEALTH: BOARD OF PHARMACY: 20:51:01:01, 20:51:01:03, 20:51:01:04, 20:51:01:09, 20:51:01:11, 20:51:01:12; 20:51:29:19.01, and 20:51:29:19.02.

History-Notice: 33 SDR 9, July 17, 2006
Hearing: August 18, 2006
Filed: October 16, 2006
Effective: November 6, 2006

Executive Appointments:

Nancy Allard, Pierre, was appointed on September 27, 2006, to the **Council of Juvenile Services**, to replace Keith Bonenberger,

effective September 26, 2006, and shall continue until June 30, 2009.

Virgena Wieseler, Pierre, was appointed on September 27, 2006, to the **Council of Juvenile Services**, to replace Sharon Sonnenschein, effective September 26, 2006, and shall continue until June 30, 2009.

George Cook, Clear Lake, was reappointed on September 28, 2006, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2009.

Mike Leidholt, Pierre, was reappointed on September 28, 2006, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2009.

Helen Wegner, Pierre, was reappointed on September 28, 2006, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2009.

Doug Herrmann, Rapid City, was reappointed on October 11, 2006, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2009.

Janine Kern, Rapid City, was reappointed on October 11, 2006, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2009.

Dave Mertens, Kennebec, was reappointed on October 11, 2006, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2009.

Wallace G. Myers, Sioux Falls, was reappointed on October 11, 2006, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2009.

Patricia Simmons, Sioux Falls, was appointed on October 11, 2006, to the **South Dakota Board of Education**, to replace Barbara Everist, effective October 6, 2006, and shall continue until December 31, 2007.

Susan Randall, Sioux Falls, was reappointed on October 12, 2006, to the **Council of Juvenile Services**, effective immediately and shall continue until June 30, 2009.

Joanne Vitek, Watertown, was appointed on October 12, 2006, to the **Council of Juvenile Services**, to replace Doug Thrash, effective September 29, 2006, and shall continue until June 30, 2009.

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

10-26-2006	Revenue and Regulation: Banking Commission	Amend a rule to reduce the examination fee schedule for state-chartered banks for the December 2006 semiannual examination fee; 33 SDR 66.
10-30-2006	Health	Adopt and amend rules to clarify definitions, terms, and statements regarding children's special health services; 33 SDR 65.

11-6-2006	Health	Amend rules to improve the timing and accuracy of infectious disease reporting, improve the quality of seasonal influenza disease surveillance, and enhance preparedness for an influenza pandemic; 33 SDR 69.
11-7-2006	Public Utilities Commission	Amend rules to allow for the electronic filing and serving of documents and to otherwise clarify how documents are to be filed. If a person does not have the ability to file electronically, that person may still file a paper copy. A number of the rule changes explain how to file electronically, how the commission will serve documents, outline the exceptions for filing electronically, and delete references to require paper copies. The rules will provide that the circuit court rules of civil procedure will apply unless otherwise stated. The changes to the rules will also differentiate between complaints filed by consumers and complaints filed by one utility against another utility; make it easier for a consumer to file a complaint when compared to a complaint filed by a utility; revise the requirements for stipulations by deleting the requirement that all parties must sign a stipulation; clarify that rules apply to all contested cases, not just complaints; clarify the filing of interventions and answers to interventions; revise the procedures for filing amended pleadings; clarify the filing of exhibits or technical documents during a hearing; require a party to file proposed findings of fact only if requested by the Commission; revise the filing of declaratory rulings and the timeline for Commission action; and revise the treatment and filing of confidential information; 33 SDR 65.
11-9-2006	Agriculture: State Conservation Commission	Amend rules to update the criteria for administration, terms, and conditions for disbursement of funds and for the selection of projects to receive funds through the Coordinated Natural Resource Conservation Program; 33 SDR 66.
11-9-2006	Health	Adopt rules to establish standards for abortion facilities and the health and safety of patients; 33 SDR 69.

11-9-2006	Revenue and Regulation: Division of Insurance	Adopt and amend rules to allow permissible exclusions that are appropriate for accidental and dismemberment policies and to allow the use of updated mortality tables in life insurance reserving; and to ensure consumers are aware of the effect of purchasing a short term major medical policy; 33 SDR 69.
11-13-2006	Human Services: Division of Rehabilitation Services	Adopt and amend rules on denial, suspension, or revocation of certificate by removing the reference to the interpreter review panel; define "contact hour," "division," "educational interpreter performance assessment," "mentor," "nationally certified interpreter," and "registration;" outline the process and requirements for initial and annual registration for South Dakota and nationally certified interpreters; outline the process and requirements for obtaining a provisional certification; clarify the continuing education requirements; amend the fee schedule; and amend the medical, educational or legal settings to clarify what certification levels an interpreter may interpret in each setting; 33 SDR 73.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, December 5, 2006, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2006 interim: January 8, 2007.

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.