REGISTER

South Dakota Legislative Research Council

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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 Transportation: (November 5, 2003) has filed rules to eliminate the requirement to obtain a permit for mowing non-interstate, non-median highway rights-of-way. The general authority for these rules, as cited by the department, is SDCL 31-5-21.

A public hearing will be held at 9:05 a.m. (CST) on November 20, 2003, in Room 412 of the Capitol Building, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge 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 be received on or before November 19, 2003, 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 48 hours before the hearing.

Department of Education: South Dakota Board of Education: (November 5, 2003) has filed rules to amend the rules to refer to the new bus driver manual, *National School Transportation Specifications and Procedures. May 2000*. The general authority for these rules, as cited by the department, is SDCL 13-29-2 and 13-29-6.

A public hearing will be held in the conference room of the Best Western Ramkota Inn, 920 West Sioux Avenue, Pierre, South Dakota, on December 1, 2003, at 9:10 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by December 1, 2003, 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) 773-3426 at least 48 hours before the hearing.

Department of Education: South Dakota Board of Education: (November 5, 2003) has filed a rule to require the director of the Office of Career and Technical Education to convene a meeting of the technical directors and an Office of Economic Development staff member to review applications for new or expanded programs prior to their presentation to the State Board of Education. The general authority for this rule, as cited by the department, is SDCL 13-39-37.

A public hearing will be held in the conference room of the Best Western Ramkota Inn, 920 West Sioux Avenue, Pierre, South Dakota, on December 1, 2003, at 9:10 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by December 1, 2003, 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) 773-3426 at least 48 hours before the hearing.

Department of Education: South Dakota Board of Education: (November 5, 2003) has filed rules to remove the current years of experience requirement from the administrator certification program and add a requirement of three years of verified experience in an accredited K-12 school; create an alternative route of certification for administrators; transfer all endorsement programs from ARSD 24:16:08 to a new chapter; and create a principal endorsement program. The general authority for these rules, as cited by the department, is SDCL 13-1-12.1 and 13-42-3.

A public hearing will be held in the conference room of the Best Western Ramkota Inn, 920 West Sioux Avenue, Pierre, South Dakota, on December 1, 2003, at 9:10 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501. Written comments must be received by December 1, 2003, 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) 773-3426 at least 48 hours before the hearing.

Department of Agriculture: State Fair: (November 5, 2003) has filed rules that will create a definition of "Fair Week" and otherwise conform the rules to recent statutory changes which vested control of the State Fair to the Secretary of Agriculture. The general authority for these rules, as cited by the department, is SDCL 1-1-1, 1-21-7, and 1-21-10.

A public hearing will be held in the Women's Building, located at the corner of Recreation Avenue and 2nd Street on the State Fairgrounds, Huron, South Dakota 57501 on December 11, 2003, 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 Agriculture, 523 E. Capitol Ave., Pierre, South Dakota 57501-3182. Written comments must be received by December 22, 2003. 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) 773-5425 prior to the hearing.

***Department of Public Safety: Office of Emergency Medical Services*:** (November 7, 2003) intends to adopt and amend rules to define terms and update licensing, personnel, and equipment requirements for ambulance services. The general authority for these rules, as cited by the department, is SDCL 34-11-5 and SL 2003, Ch 272, § 69.

A public hearing will be held in the 2nd floor Conference Room, Public Safety Building, 118 West Capitol, Pierre, South Dakota, on December 5, 2003, at 10:00 a.m. A copy of the proposed rules may be obtained without charge from and written comments sent to the Department of Public Safety, Office of Emergency Medical Services, 118 West Capitol Avenue, Pierre, South Dakota 57501-2036. Written comments must be received by the Department of Public Safety by December 15, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-4031 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules: None

Executive Appointments:

Lorenzo "Jr." Bettelyoun, Spearfish, was appointed on October 31, 2003, to the **Hagen-Harvey Memorial Scholarship Board**, effective immediately and shall continue until July 1, 2004.

Verdayne Brandenburg, Sioux Falls, was appointed on October 31, 2003, to the **South**

Dakota Medicaid P&T Committee, effective immediately and shall continue until June 30, 2005.

Dana Darger, Rapid City, was appointed on October 31, 2003, to the **South Dakota Medicaid P&T Committee**, effective immediately and shall continue until June 30, 2005.

James Engelbrecht, Rapid City, was appointed on October 31, 2003, to the **South Dakota Medicaid P&T Committee**, effective immediately and shall continue until June 30, 2005.

Richard Holm, Brookings, was appointed on October 31, 2003, to the **South Dakota Medicaid P&T Committee**, effective immediately and shall continue until June 30, 2005.

William Ladwig, Sioux Falls, was appointed on October 31, 2003, to the **South Dakota Medicaid P&T Committee**, effective immediately and shall continue until June 30, 2005.

Gary Ulmer, Menno, was appointed on October 31, 2003, to the **South Dakota Snowmobile Advisory Council**, effective immediately and shall continue until July 1, 2006.

Gayle Aamold, Hartford, was appointed on November 5, 2003, to the **Board of Service to the Blind and Visually Impaired**, to replace Laura Collins, effective immediately and shall continue until June 30, 2006.

Jim Denevan, Sioux Falls, was appointed on November 5, 2003, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Terry Aslesen, effective immediately and shall continue until December 31, 2004.

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

11-12-2003	Social Services: Food Stamps	Adopt rules that specifies that those households that receive Low Income Energy Assistance are eligible for the food stamp standard utility allowance, and establish two new types of utility allowances for food stamp households: (1) a limited utility allowance, and (2) a one-utility allowance; 30 SDR 57.
11-12-2003	Social Services: Office of Medical Services	Amend rules that reflect changes in Federal Authority from a waiver to a State Plan amendment; remove SSI disabled children and Title V children from the Case Management program; amend the eligibility requirements for a primary care provider; amend the individual's choice of PCP time measured by the date of notice; to allow changes in PCP to be conveyed verbally or in writing by the recipient, and no longer has to establish good

		cause; changes made to reflect disenrollment effective date request initiated by the provider will be the first day of the month following approval, and that good cause reasons must be non-discriminatory, generally applied to the provider's entire patient base; clarifies the language that a referral must be made by the PCP before the other medical provider provides service; changes exempt from managed care rehabilitation hospital services, chemical dependency treatment, and prescription drug services and states organ transplants, FQHC/RHC, and diabetic education programs are now covered services under managed care; amend the definition source for mental health services for those diagnosed as seriously emotionally disturbed and exempts prescription drug services and clarifies that case management services are not exempt services; repeals the requirement of case management for services provided at community mental health centers; amend the billing requirements for case management; repeal rules that state pharmacy claims must have a managed care referral; and require that claim requirements for ambulatory surgical center services must follow certain requirements and for organ transplant services, mental health services, diabetes education services, FQHC and RHC services must follow certain claim requirements; 30 SDR 56.
11-14-2003	Environment and Natural Resources: Board of Water and Natural Resources	Amend rules to move Loomis Township from Central Plains Water Development District Rural Director Area 4 to Rural Director Area 2; to use 2000 census data rather than the 1990 census data to award priority points for population; to allow the Board of Water and Natural Resources more flexibility in the type of projects that can receive water quality grants; to use median household income data from the 2000 census rather than use non-metropolitan median household income data from the 1990 census data to determine affordability criteria and disadvantaged community eligibility; to adjust the affordability criteria to reflect more recent census data; to quantify the criteria for awarding priority points for projects

		developing new sources of water supply; to change the basis for awarding points from having less than a peak day demand to an average day demand; and to use 2000 census data rather than the 1990 census data to award priority points for population; 30 SDR 63.
11-17-2003	Agriculture: Division of Agricultural Services	Adopt a rule that will require those who manufacture distiller and corn gluten feed products to provide a maximum sulfur guarantee on the label of these products; 30 SDR 55.
11-20-2003	Transportation	Amend rules regarding a permit for mowing non-interstate, non-median highway rights-of-way; 30 SDR 77.
11-21-2003	Human Services: Board of Counselor Examiners	Amend rules regarding continuing education; clarify the intent of an inactive status of a license; adopt an application fee for the continuing education program and increase the examination fee; clairfy the intent of SDCL 36-33-9(4); and clarify the supervision requirements; 30 SDR 71.
12-1-2003	Education: Board of Education	Amend rules regarding school bus standards and procedures; 30 SDR 77.
12-1-2003	Education: Board of Education	Amend a rule to require that the Office of Career and Technical Education convene a meeting of the technical directors and an Office of Economic Development staff member to review applications for new or expanded programs prior to their presentation to the State Board of Education; 30 SDR 77.
12-1-2003	Education: Board of Education	Amend rules to remove the current years of experience requirement from the administrator certification program and add a requirement of three years of verified experience in an accredited K-12 school; create an alternative route of certification for administrators; transfer all endorsement programs from ARSD 24:16:08 to a new chapter; and create a principal endorsement program; 30 SDR 78.
12-5-2003	Public Safety: Office of Emergency Medical Services	Adopt and amend rules to define terms and update licensing, personnel, and equipment requirements for ambulance services; 30 SDR 78.
12-11-2003	Agriculture: State Fair	Amend rules to create a definition of "Fair Week" and conform the rules to recent statutory changes which vested control of the State Fair to the Secretary of Agriculture; 30 SDR 78.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Friday, November 14, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting for the remainder of the interim: January 12, 2004.

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.

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

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