

REGISTER



South Dakota Legislative Research Council

Volume 28

Monday, 8:00 a.m., December 17, 2001

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 Agriculture: (December 10, 2001) is proposing rules to change the residency requirement for numerous financial programs to make eligible any applicant who becomes a resident of South Dakota before loan closing and who meets all other requirements of the financing programs. The general authority for these rules, as cited by the department, is SDCL 38-6-8.1.

A public hearing will be held at the South Dakota Department of Agriculture, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on Thursday, January 17, 2002, at 1:15 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by January 27, 2002, 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 forty-eight hours before the hearing.

Department of Transportation: (December 11, 2001) intends to adopt rules to extend the 20 mph speed limits to the north within the town of Platte. The general authority for this rule, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on

Wednesday, January 24, 2002, at 9:05 a.m. Copies of the proposed rules may be obtained from and written comments sent to Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received by January 23, 2002, 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 forty-eight hours before the hearing.

Department of Game, Fish and Parks: (December 14, 2001) is proposing rules to amend the spring wild turkey hunting season; modify refuge boundaries in the Spring Creek State Waterfowl Refuge on Lake Oahe; modify the boundaries of the "no wake zone" and repeal the "public swimming zone" on Elm Lake in Brown County at certain times; establish a "no boating zone" at certain times at Helgeson Slough in Clark County; permit the use of spears and bow and arrow to take rough fish throughout the day, including night time, during the summer; allow persons participating in religious activities to use and remove certain vegetation from certain areas of the state park system; and permit licensed deer hunters in the Oahe Downstream Recreation Area to possess uncased firearms and bows during the deer season. The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-2-19, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Ramkota River Center, 920 West Sioux Avenue, Pierre, South Dakota, on Thursday, January 3, 2002, at 2:00 p.m. Copies of the proposed rules may be

obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

Department of Social Services: (December 14, 2001) has proposed a rule amendment according to SDCL 1-36-20. The amendment establishes the parameters under which the Health Care Financing Administration (HCFA) sets the upper limits for multiple source drugs, prohibits a state Medicaid agency from exceeding the upper limits for multiple source drugs established by HCFA, and requires HCFA to publish in Medicaid program instruction the list of multiple source drugs for which upper limits have been established, together with any revisions to that list.

The published federal upper limits are mandatory pricing controls that the state of South Dakota is mandated to adhere to as a condition of participation in the Title XIX (Medicaid) program. These limits must be implemented no later than January 22, 2002.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF HEALTH: 44:20:01:01, 44:20:01:03 to 44:20:01:05, inclusive; 44:20:02:01, 44:20:02:02; 44:20:02:05 to 44:20:02:08, inclusive; 44:20:03:01 to 44:40:03:04, inclusive; 44:20:03:07, 44:20:03:09, 44:20:03:10; and 44:20:04:01.

History-Notice: 28 SDR 65, October 29, 2001
Hearing: November 16, 2001
Filed: December 10, 2001
Effective: December 30, 2001

PUBLIC UTILITIES COMMISSION:

20:10:02:01 to 20:10:02:31 (Repealed);
20:10:03:01 to 20:10:03:05, 20:10:03:08,
20:10:03:10, 20:10:03:11, 20:10:03:11.01,
20:10:03:12, 20:10:03:14 to 20:10:03:25,
inclusive; 20:10:03:33 to 20:10:03:35, inclusive;
20:10:04:01 to 20:10:04:04, inclusive;
20:10:04:06 to 20:10:04:17, inclusive; and
20:10:04:19 to 20:10:04:30, inclusive.

History-Notice: 28 SDR 28, August 20, 2001
Hearing: October 11, 2001
Filed: December 10, 2001
Effective: December 30, 2001

DEPARTMENT OF LABOR: 47:06:01:03.

History-Notice: 28 SDR 57, October 15, 2001
Hearing: November 13, 2001
Filed: December 11, 2001
Effective: December 31, 2001

DEPARTMENT OF COMMERCE AND REGULATION: JOINT BOARD OF NURSING AND MEDICAL AND OSTEOPATHIC EXAMINERS:

20:62:02:01.01, 20:62:02:05, and 20:62:02:06.

History-Notice: 28 SDR 31, August 27, 2001
Hearing: September 20, 2001
Filed: December 11, 2001
Effective: December 31, 2001

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

12-21-2001	Labor: Division of Labor and Management	Reimbursement for workers' compensation in-patient and out-patient charges at percentage of Medicare; reimbursement for dental procedures; payors provide explanation of fee schedule reductions; redefine physical medicine; eliminate in-patient treatment guidelines; 28 SDR 79.
12-27-2001	Commerce and Regulation: Division of Insurance	Allow lesser commissions on guaranteed issue policies, alter formula for exemption from issuance of guaranteed issue plans; 28 SDR 87.
12-28-2001	Commerce and Regulation: Appraiser Certification Program	Appraisers scope of practice, appraisers bound by competency rule, supervisors of state-registered appraisers must be licensed by department; update references, correct typos; 28 SDR 83.
1-2-2002	Social Services	Administrative review – lottery setoff, notice to absent parent before restricting issuance of license, registration, certification, or permit, certain distributions limited to parent, legal guardian, or caretaker relative, and interest on unpaid support obligation or arrearage; 28 SDR 87.
1-2-2002	Social Services	Child Care Services Program – overpayments, hearings, payments made pending hearing, recoveries; 28 SDR 87.
1-3-2001	Game, Fish and Parks	Spring wild turkey season, refuge boundaries on Lake Oahe, water zoning boundaries on Elm Lake and Helgeson Slough, use of spears and bow and arrows to take rough fish, person participating in religious ceremonies allowed to use certain vegetation; licensed deer hunters possess uncased firearms and bows during deer season; 28 SDR 91.
1-17-2001	Agriculture	Residency requirement for financial programs; 28 SDR 91.
1-24-2002	Transportation	Speed zones on SD 45 in Platte; 28 SDR 91.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held on Monday, January 7, 2002, at 1:30 p.m. in Room 413 of the State Capitol.

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. Each agency is requested to provide the LRC with eight copies of the most recent draft of its rules two days before the meeting.

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