REGISTER

South Dakota Legislative Research Council

Volume 31 *Monday, 8:00 a.m., November 29, 2004*

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

Attorney General: Law Enforcement Officers Standards and Training Commission: (November 1, 2004) intends to adopt rules to provide for the terms and conditions upon which a license as a computer voice stress analyzer will be issued or may be revoked or denied; amend rules that will restrict the appointing authorities eligible to make application to allow a rejected applicant to reapply for law enforcement certification, limit the occasions upon which law enforcement certification will expire, reduce the number of subject areas of the basic training course, clarify the application of restrictions on student conduct, reduce the subject areas of the 911 telecommunicator training program, clarify hours that are included in reportable duty hours for reserve law enforcement officers, change the license period from one to three years for polygraph examiners, clarify the remedies available to the commission for a law enforcement officer that has engaged in misconduct, change the burden of proof in proceedings to revoke or suspend law enforcement certification, restrict the appointing authorities available to request a rejected applicant be allowed to reapply for certification as a 911 telecommunicator, limit the occasions upon which certification as a 911 telecommunicator expires, clarify the application of restrictions on student conduct, clarify the remedies available to the commission for a 911 telecommunicator that has engaged in misconduct, and change the burden of proof in proceedings to revoke or suspend 911 telecomunicator certification. The general authority for these rules, as cited by the commission, is SDCL 23-3-35, 23-3-36, 23-3-39.4, 23-3-41, 23-3-42, 34-45-26, and 34-45-29.

A public hearing was held at the Best Western Ramkota Hotel, 3200 West Maple Street, Sioux Falls, South Dakota, on November 18, 2004, at 9:00 a.m. A copy of the proposed rules may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, Division of Criminal Investigation, c/o Kim Knecht, 500 E. Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by the close of business on November 16, 2004. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3584 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 41:07:01:12; 41:09:06:19, 41:09:10:04, and 41:09:11:01.

History-Notice:	31 SDR 7, July 16, 2004
Hearing:	November 4, 2004
Filed:	November 22, 2004
Effective:	December 12, 2004

Executive Appointments:

Paul Aylward, Huron, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

Rob Anderson, Pierre, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

Sally Damm, Brookings, was appointed on November 23, 2004, to the **South Dakota Advisory Council on Aging**, effective immediately and shall continue until December 31, 2006.

Jason Dilges, Pierre, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

Kelly D. Duncan, Dakota Dunes**,** was reappointed on November 23, 2004, to the **South Dakota Board of Education**, effective January 1, 2005, and shall continue until December 31, 2008.

Homer Harding, Pierre, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

Carol Hinderaker, Watertown, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

Jan Nicolay, Chester, was appointed on November 23, 2004, to the **South Dakota Board of Education**, to replace Elmer Bietz, effective January 1, 2005, and shall continue until December 31, 2008.

David Owen, Sioux Falls, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

Pamela Roberts, Pierre, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

Jerry Wheeler, Pierre, was appointed on November 23, 2004, to the **Unemployment Insurance Advisory Council**, effective immediately.

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

12-2-2004	Personnel: Career Service Commission	Amend a rule to allow for the granting of administrative leave for career service employees who serve as reserve police force and emergency rescue squad members and clarify that such administrative leave will be granted when the employee is called out on an emergency basis during work hours; 31 SDR 75.
12-9-2004	Social Services: Medical Services	Amend rules that will increase the cost outlier amount for inpatient hospital claims, amend the date used as the basis for establishing the rate of reimbursement for outpatient services provided by out-of-state hospitals, and decrease the rate of reimbursement for inpatient services provided by an out-of-state hospital if the hospital's home state refuses to price the claim using that state's Medicaid payment methodology; 31 SDR 79.

12-9-2004	Social Services: Food Stamps	Amend rules that will increase the standard utility allowance, the limited utility allowance, the one-utility allowance, and the telephone allowance and adopt the thrifty food plan as established by the United States Department of Agriculture, Food and Nutrition Services; 31 SDR 79.
12-16-2004	Environment and Natural Resources: Board of Minerals and Environment	Amend rules that will require a person to obtain a solid waste permit whenever a waste tire bale, waste tire, or parts thereof are buried or partially buried; 31 SDR 75.
12-17-2004	Personnel	Amend a rule to insure that any employee having contact with inmates within the secure perimeter of a corrections department facility be drug free; 31 SDR 79.
12-17-2004	Social Services: Medical Services	Amend rules relating to Medicaid eligibility that will update current rules, delete provisions that no longer apply, increase certain allowances to reflect the increased cost of living, change the method of calculating a period of ineligibility when an asset is disposed of for purposes of establishing Medicaid eligibility, require a trustee to submit an annual accounting to the department, and institute a penalty when income placed into the trust exceeds the amount paid out of the trust for medical services; 31 SDR 80.
12-17-2004	Social Services: Food Stamps	Adopt rules to establish operating guidelines for the Sales Tax on Food Refund Program; 31 SDR 80.

Rules Review Committee Meetings

The last meeting of the Interim Rules Review Committee is scheduled for Tuesday, December 7, 2004, in Room 413 of the State Capitol.

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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