

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., February 14, 2011

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

Department of Social Services: Child Protection Services: (February 11, 2011) intends to amend rules to repeal obsolete rules, remove obsolete references, update terminology, clarify confidentiality policy, align regulations associated with adoption petitions with current statutory requirements, update and clarify standards related to adoption, foster care, and alternative care, remove certain reporting requirements for adoptive parents, provide for the suspension of an adoption subsidy under certain circumstances, clarify the definition and scope of child protective services, update the composition of the permanency planning review team, outline dispositional hearing requirements and amend the timeframe in which such hearings are held, provide notification of an adoptive applicant's right to a fair hearing, and require annual updates on adoptive home studies. The general authority for these rules, as cited by the department, is SDCL 25-4-45.3, 25-7-7.2, 26-4-7, 26-4-14, 26-4-9.1, 26-6-1, 26-6-14, 26-6-16, 26-13-1, 28-1-32.1, 28-1-64, 28-6-1, and 28-8-28.

A public hearing will be held in Conference Room #2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on March 22, 2011, 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 April 1, 2011, 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:

Executive Appointments:

Guy H. Mackner, Sisseton, was appointed on February 4, 2011, to the **Governor's Commission on Fort Sisseton**, to replace Timothy Kessler, effective February 2, 2011, and shall continue until November 24, 2014.

Donald L. Roby, Watertown, was appointed on February 4, 2011, to the **Transportation Commission**, to replace James Spies, effective February 2, 2011, and shall continue until April 18, 2013.

Barry Jensen, White River, was reappointed on February 7, 2011, to the **Game, Fish and Parks Commission**, effective immediately and shall continue until January 10, 2015.

Catherine M. Peterson, Salem, was appointed on February 7, 2011, to the **Game, Fish and Parks Commission**, to replace Randall Kemink, effective February 7, 2011, and shall

continue until January 10, 2015.

Wayne Bunge, Rapid City, was reappointed on February 8, 2011, to the **State Conservation Commission**, effective immediately and shall continue until December 31, 2013.

Doug R. Hansen, Webster, was appointed on February 8, 2011, to the **State Conservation Commission**, to replace John Gross, effective February 5, 2011, and shall continue until December 31, 2013.

Aaron Kiesz, Aberdeen, was reappointed on February 8, 2011, to the **State Conservation Commission**, effective immediately and shall continue until December 31, 2013.

Charles Moe, Rosebud, was reappointed on February 8, 2011, to the **State Conservation Commission**, effective immediately and shall continue until December 31, 2013.

Denette K. Becker, Pierre, was appointed on February 9, 2011, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Jayne Wells, effective February 7, 2011, and shall

continue until December 31, 2013.

Christi J. Schaeffbauer, Mobridge, was appointed on February 9, 2011, to the **South Dakota Professional Administrators Practices and Standards Commission**, to replace Rick Hohn, effective February 5, 2011, and shall continue until December 31, 2013.

Michael Taplett, Huron, was reappointed on February 9, 2011, to the **South Dakota Professional Administrators Practices and Standards Commission**, effective immediately and shall continue until December 31, 2013.

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

2-17-2011	Attorney General: Law Enforcement Officers Standards and Training Commission	Amend rules to provide for a basic training course for certified law enforcement officers consisting of a 520 hour curriculum; amend the definition of police service dog to include patrol, drug detection or explosive detection; and establish standards and certification requirements for accelerant detection canine teams; 37 SDR 139.
2-17-2011	Environment and Natural Resources: Board of Minerals and Environment	Amend Air Pollution Control Program rules to comply with revisions to the federal regulations regarding the Greenhouse Gas Tailoring Rule; and revise a rule to allow certain businesses to start construction before the construction permit is issued once they have satisfied the proposed requirements; 37 SDR 139.

2-24-2011	Transportation	Amend speed limits in Minnehaha County on SD Highway 11 beginning at the Minnehaha – Lincoln County line to reduce speed limits on a segment of highway near the southeast edge of the City of Sioux Falls, in Lincoln County on SD Highway 11 just south of the Minnehaha – Lincoln County line to reduce speed limits on a segment of highway near the southeast edge of the City of Sioux Falls, in Lyman County on SD Highway 47 north of its junction with SD Highway 248 to reduce the speed limit through Reliance, and in Lyman County on SD Highway 248 from its junction with SD Highway 47 south to Interstate 90 through Reliance; and adopt a Traffic Safety rule to prohibit parking along a portion of Interstate 90 Frontage Road (Sturgis Road) between Piedmont and Summerset in Meade County near Stagebarn Elementary School from 7 a.m. to 8 a.m. and 2 p.m. to 3 p.m.; 37 SDR 143.
3-3-2011	Game, Fish and Parks	Amend a Uses of Parks and Public Lands rule to prohibit persons from jumping into the Big Sioux River from natural and manmade structures located within the boundaries of the Big Sioux Recreation Area (Minnehaha County); amend Public Water Zoning rules to create a "no boating zone" on a portion of the Belle Fourche River in Butte County and "no wake zones" on Twin Lakes (Minnehaha County) and on the portion of Lewis & Clark Lake (Yankton County) commonly known as the Midway Boating Beach; and amend a Refuges rule to increase the size of the Shadehill State Waterfowl Refuge in Perkins County; 37 SDR 143.
3-22-2011	Social Services: Child Protection Services	Amend rules to repeal obsolete rules, remove obsolete references, update terminology, clarify confidentiality policy, align regulations associated with adoption petitions with current statutory requirements, update and clarify standards related to adoption, foster care, and alternative care, remove certain reporting requirements for adoptive parents, provide for the suspension of an adoption subsidy under certain circumstances, clarify the definition and scope of child protective services, update the composition of the permanency planning

		review team, outline dispositional hearing requirements and amend the timeframe in which such hearings are held, provide notification of an adoptive applicant's right to a fair hearing, and require annual updates on adoptive home studies; 37 SDR 151.
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RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee will have an informal meeting near the close of the Eighty-sixth Legislative Session to set the tentative meeting schedule for the 2011 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

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>.