

REGISTER



South Dakota Legislative Research Council

Volume 37

Monday, 8:00 a.m., March 21, 2011

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

Department of Labor: South Dakota Retirement System: (March 15, 2011) intends to amend rules to clarify a "reentry" into the System for purposes of redeposit; explain the application of member "years of service" after a participating unit is privatized; establish when a retired member may choose to alter the member's choice of annuity options; set out a refunding member's rollover options; clarify a member's ability to continue the additional survivor protection program; and adopt the federal "reasonable and good faith" safe harbor for distributions from SDRS programs. The general authority for these rules, as cited by the board, is SDCL 3-12-58, 3-12-76.3, 3-13-54, and 3-13A-4.

A public hearing will be held at View Thirty Four, 4251 E. Highway 34, Pierre, South Dakota, on April 7, 2011, at 9:00 a.m., CDT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Retirement System, 222 E. Capitol Avenue, P.O. Box 1098, Pierre, South Dakota 57501-1098. Material sent by mail must be received by April 6, 2011, to be considered. This hearing is being held in a physically accessible place. Persons who have special

needs for which the board can make arrangements are asked to call (605) 773-3731 at least 48 hours before the hearing.

Department of Social Services: (March 17, 2011) has filed a rule amendment to update the federal poverty level for programs under Title 67. The federal poverty level is set in 76 Fed. Reg. 3,637 (January 20, 2011).

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)

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

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
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		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.
3-25-2011	Revenue and Regulation: South Dakota Lottery Commission	Amend Video Lottery Requirements rules to allow the Lottery to collect the new machine license fee during one of the two monthly billing periods rather than once a month; allow for various types of communication between the video lottery machines in establishments and the central computer system; all operators to maintain audit information, including duplicates of tickets, in an electronic or paper format and identify the audit information that must be retained; allow the Lottery to provide operators billing statements by other means than just mail; allow manufacturers and Type II technicians, pursuant to a certain protocol, to clear electronic accounting meters after notice to the Lottery; allow the Lottery to use discretion on whether to require manufacturers to submit various documents during the video lottery machine and associated equipment testing and approval process; allow video lottery machines to maintain copies of tickets in either a paper format within the machine or in an electronic format on a self contained internal or external median; allow a "symbol" to be used in approved video lottery games and require randomness testing concerning their use; make it optional for a game to offer a player the chance to select numbers or symbols, require that all lines are clearly identified when playing additional lines bought into play by wagering additional credits and allow other specified shapes to be a winning combination other than a vertical, horizontal, or diagonal line; require hard meter readings of a machine before moving it between locations

		in the state or shipping a machine out of state; repeal a requirement that certain individuals become Type I or Type II technicians by November 15, 1995; and require that software access points on video lottery machines be sealed after initial inspection; 37 SDR 161.
4-7-2011	Labor: South Dakota Retirement System	Amend rules to clarify a "reentry" into the System for purposes of redeposit; explain the application of member "years of service" after a participating unit is privatized; establish when a retired member may choose to alter the member's choice of annuity options; set out a refunding member's rollover options; clarify a member's ability to continue the additional survivor protection program; and adopt the federal "reasonable and good faith" safe harbor for distributions from SDRS programs; 37 SDR 171.
4-12-2011	Public Safety: Office of the State Fire Marshal	Amend rules to adopt the 2009 edition of the International Building, Fire, and Mechanical Codes as the fire safety standards for the Department of Public Safety; 37 SDR 165.
4-21-2011	Agriculture: SD Weed & Pest Control Commission	Amend a rule to add flowering rush to the local noxious weed and declared pest list; 37 SDR 165.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, March 29, 2011, in Room 413, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2011 interim: May 10, June 7, July 12, August 30, September 27, November 15, and December 12.

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>.

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