REGISTER

South Dakota Legislative Research Council

Volume 34 *Tuesday, 8:00 a.m., October 9, 2007*

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

Department of Social Services: Economic Assistance: (October 1, 2007) intends to amend Food Stamp Program rules to increase the standard utility allowance for Food Stamp households responsible for paying heating and cooling expenses; increase the standard telephone allowance for Food Stamp households not eligible for the standard utility allowance but billed for a telephone; increase the limited utility allowance for Food Stamp households not eligible for the standard utility allowance but which incurs expenses for at least two separate types of utilities; and increase the one-utility allowance for those Food Stamp households not eligible for either the standard or limited utility allowance but which incurs an expense for one type of utility, not including a telephone. The general authority for these rules, as cited by the department, is SDCL 28-12-1.

A public hearing will be held in Conference Room #2, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on October 23, 2007, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by November 2, 2007, 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) 773-3305 at least 48 hours before the hearing.

Department of Social Services: Office of the Secretary: (October 4, 2007) intends to amend and adopt rules relating to the recovery of funds expended by the Department on behalf of children in alternative care settings and individuals in long-term care when establishing the fee charged to the parents of a child placed into alternative care, clarify what information the Department uses to determine the parents' income; provide a mechanism for establishing the parents' income if the parent fails to complete and return to the Department an income statement; specify that the fee charged and ultimately subject to recovery by the Department may not exceed the actual costs of caring for the child; allow the Department to waive the alternative care fees under certain circumstances; when making a recovery against an individual's estate, specify that the amount of the recovery will be reduced if the individual had a long-term care partnership insurance policy that paid for services; specify how the amount of the reduction is determined; and specify that the amount of the reduction may not exceed the amount paid under the long-term care partnership insurance policy. The general authority for these rules, as cited by the department, is SDCL 25-7-7.2 and 28-6-23.

A public hearing will be held in DSS Conference Room, First Floor, Kneip Office

Building, 700 Governors Drive, Pierre, South Dakota, on October 29, 2007, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by November 8, 2007, 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) 773-3305 at least 48 hours before the hearing.

Department of Health: Health and Medical Services: (October 4, 2007) intends to amend rules that will enhance preparedness for influenza pandemic and improve the responses to other Notifiable Diseases. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-22-9, 34-22-12, and 34-23-13

A public hearing will be held in the Health Lab Building, small conference room, 615 East 4th Street, Pierre, South Dakota, on November 5, 2007, at 9:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website: http://www.state.sd.us/doh/News/index.htm. Material sent by mail must reach the department by November 15, 2007, 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) 773-3361 at least 48 hours before the hearing.

Department of Transportation: (October 4, 2007) is proposing to amend a speed zone in Brookings County on US Highway 14 in the City of Brookings to reduce speed limits for traffic along the area off recent commercial development at the west of the Interstate 29 interchange. The general authority for this rule, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in Room 412 of the Capitol Building, 500 E. Capitol Avenue in Pierre, South Dakota, on October 25, 2007, at 9:05 a.m. CDST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department prior to the hearing 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE AND REGULATION: SOUTH DAKOTA GAMING COMMISSION: 20:18:14.01:08; 20:18:20.01:02; 20:18:22:09, and 20:18:22:11.

History-Notice:	34 SDR 61, August 20, 2007
Hearing:	September 12, 2007
Filed:	September 28, 2007
Effective:	October 18, 2007

DEPARTMENT OF AGRICULTURE: SOUTH DAKOTA ANIMAL INDUSTRY BOARD: 12:68:01:01; 12:68:03:07, 12:68:03:12; 12:68:04:01.01, 12:68:04:09, 12:68:04:11, 12:68:04:32, 12:68:04:36 to 12:68:04:38, inclusive; 12:68:05:01,

12:68:05:02.01, 12:68:05:02.02, 12:68:05:06; 12:68:06:01, 12:68:06:02, 12:68:06:05, 12:68:06:11; 12:68:07:03; 12:68:07.01:01; 12:68:07.02:01 to 12:68:07.02:03, inclusive; 12:68:09:07; 12:68:10:02; 12:68:12:04; 12:68:13:02, 12:68:13:04, 12:68:13:09, 12:68:13:12 to 12:68:13:15, inclusive, 12:68:13:18, 12:68:13:21, 12:68:13:27, 12:68:13:37; 12:68:14:01; 12:68:16:01; 12:68:17:11; 12:68:18:03, 12:68:18:04, 12:68:18:07; 12:68:19:08, 12:68:19:09; 12:68:20:04; 12:68:21:01; 12:68:22:01; 12:68:23:01 to 12:68:23:03, inclusive, 12:68:23:05, 12:68:23:08, 12:68:23:10, 12:68:23:11, 12:68:23:13; 12:68:24:01, 12:68:24:04, 12:68:24:15, 12:68:24:16; 12:68:25:01, 12:68:25:03, 12:68:25:17; 12:68:26:01, 12:68:26:02, 12:68:26:04, 12:68:26:05; 12:68:27:01, 12:68:27:03, 12:68:27:04; 12:68:28:01, 12:68:28:02, and 12:68:28:04.

History-Notice: 33 SDR 229, June 18, 2007
Hearing: July 10, 2007
Filed: October 1, 2007
Effective: October 22, 2007

DEPARTMENT OF AGRICULTURE: SOUTH DAKOTA PULSE COUNCIL: 12:80:05:01 to 12:80:05:11, inclusive.

History-Notice: 34 SDR 61, August 20, 2007
Hearing: September 6, 2007
Filed: October 4, 2007
Effective: October 24, 2007

DEPARTMENT OF HEALTH: BOARD OF EXAMINERS IN OPTOMETRY: 20:50:04 Appendix A; 20:50:06:01, 20:50:06:02; and 20:50:08:05.

History-Notice: 34 SDR 24, July 16, 2007
Hearing: August 6, 2007
Filed: September 28, 2007
Effective: October 18, 2007

DEPARTMENT OF HEALTH: BOARD OF MASSAGE THERAPY: 20:76:02:01, 20:76:02:02; 20:76:03:02, 20:76:03:03, 20:76:03:05, 20:76:03:06, 20:76:03:07; and 20:76:06:01.

History-Notice: 34 SDR 55, August 13, 2007
Hearing: August 29, 2007
Filed: October 2, 2007
Effective: October 22, 2007

DEPARTMENT OF HEALTH: FUNERAL SERVICES BOARD: 20:45:03:03; 20:45:04:04, 20:45:04:05, 20:45:04:07, 20:45:04:08.

History-Notice: 34 SDR 31, July 23, 2007
Hearing: August 23, 2007
Filed: October 4, 2007
Effective: October 24, 2007

DEPARTMENT OF HUMAN SERVICES: BOARD OF SOCIAL WORK EXAMINERS: 20:59:01:10, 20:59:01:10.01, 20:59:01:10.02.

History-Notice: 34 SDR 41, July 30, 2007
Hearing: August 24, 2007
Filed: October 4, 2007
Effective: October 24, 2007

Executive Order:

The Governor has signed **Executive Order 2007-22** dated October 3, 2007, which declares that a state of emergency exists statewide, and that such transportation of diesel, ethanol, gasoline, and propane within South Dakota shall be exempt from 49 CFR Part 395, otherwise known as the federal hours of service regulations. The executive order shall expire upon conclusion of the emergency, but no later than midnight, November 9, 2007.

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

10-10-2007	Corrections	Amend rules to update procedures on deposits into an inmate's account and the handling of an inmate's frozen account; update who is allowed to visit an inmate, the conduct of visitors, and attorney-client visits; update how incoming correspondence that is not allowed is handled; change how an inmate's sentence is credited for time spent while on escape; and clarify that an inmate's minimum initial parole date is sixty (60) days from the date received at a Department of Corrections' facility; 34 SDR 87.
10-15-2007	Health: Board of Pharmacy	Amend and adopt rules to establish criteria to permit use of Board of Pharmacy registered technicians to operate a retail telepharmacy when connected to a licensed South Dakota central pharmacy using advanced technology, automation and design, and will establish criteria to permit a licensed South Dakota hospital pharmacy with 24-hour services to provide limited or part-time pharmacy services to small hospitals; 34 SDR 81.
10-19-2007	Revenue and Regulation: Lottery Commission	Amend rules to adopt the Multi-State Lottery Association Hot Lotto Game Group rules that were approved on August 28, 2007; 34 SDR 87.
10-23-2007	Public Utilities Commission: One-Call Notification Board	Amend rules to update Routine Locate requests to reflect the technological changes in processing these requests and reflect changes in the statute and to define Service Lateral; clarify the method of input for facility operator information and change the approval process from the vendor operating the Center to the South Dakota One Call Notification Board; clarify that the facility operator must accept notification of excavations from the center; require that all underground facilities installed after January 1, 2008, must be locatable within eighteen inches, horizontally, from the exterior sides of the marked facility; clarify the period in which the billing for a ticket transmission

		may be disputed; allow for the use of mile marker references on state and federal highways to be used as a means to identify the location of the excavation site when initiating a routine locate request, a planned excavation locate request, and an informational locate request; establish minimum marking standards for all underground facilities and specific standards for marking service laterals on all underground facilities; and clarify the processes and procedures of the vendor operating the one-call system to insure that the rules reflect the technologies currently available from the one-call system; 34 SDR 87.
10-23-2007	Social Services: Economic Assistance	Amend Food Stamp Program rules to increase the standard utility allowance for Food Stamp households responsible for paying heating and cooling expenses; increase the standard telephone allowance for Food Stamp households not eligible for the standard utility allowance but billed for a telephone; increase the limited utility allowance for Food Stamp households not eligible for the standard utility allowance but which incurs expenses for at least two separate types of utilities; and increase the one-utility allowance for those Food Stamp households not eligible for either the standard or limited utility allowance but which incurs an expense for one type of utility, not including a telephone; 34 SDR 99.
10-25-2007	Transportation	Amend a speed zone in Brookings County on US Highway 14 in the City of Brookings to reduce speed limits for traffic along the area off recent commercial development at the west of the Interstate 29 interchange; 34 SDR 100.
10-29-2007	Social Services: Office of the Secretary	Amend and adopt rules relating to the recovery of funds expended by the Department on behalf of children in alternative care settings and individuals in long-term care when establishing the fee charged to the parents of a child placed into alternative care, clarify what information the Department uses to determine the parents' income; provide a mechanism for establishing the parents' income if the parent fails to complete and return to the Department an income statement; specify that the fee charged and ultimately subject to recovery by

		the Department may not exceed the actual costs of caring for the child; allow the Department to waive the alternative care fees under certain circumstances; when making a recovery against an individual's estate, specify that the amount of the recovery will be reduced if the individual had a long-term care partnership insurance policy that paid for services; specify how the amount of the reduction is determined; and specify that the amount of the reduction may not exceed the amount paid under the long-term care partnership insurance policy; 34 SDR 99.
11-5-2007	Health: Health and Medical Services	Amend rules that will enhance preparedness for influenza pandemic and improve the responses to other Notifiable Diseases; 34 SDR 100.

RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held Thursday, October 25, 2007, via Digital Dakota Network at the following locations: State Capitol Building, CAP B, Pierre, South Dakota; South Dakota School of Mines and Technology, CB 109, Rapid City, South Dakota; and Sioux Falls University Center, Room 282, Sioux Falls, South Dakota, at 11:00 a.m. CST (10:00 a.m. MST). The committee chair has set the following tentative meeting schedule for the 2007 interim: December 4 and January 7, 2008.

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

The **South Dakota Register**, ISSN 0191-1104, is published by the South Dakota Legislative Research Council pursuant to SDCL 1-26A-1. Subscriptions to Volume 34 are $25. Make checks payable to "State of South Dakota" and mail to the Legislative Research Council, State Capitol, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070. Information from the Register is available free of charge on the Internet at http://legis.state.sd.us. Subscribe to receive electronic notification of the availability of the **South Dakota Register** at **MyLRC** (http://legis.state.sd.us/mylrc/index.aspx).