

REGISTER



South Dakota Legislative Research Council

Volume 36

Tuesday, 8:00 a.m., October 13, 2009

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

Department of Revenue and Regulation:

Commission on Gaming: (October 8, 2009) is proposing to amend Racing rules to repeal the limit on number of trainers; change the date that education courses are required from January 1, 2010, to January 31, 2012; and repeal the time for claiming payments from pari-mutuel pool; amend Gaming rules to clarify that coins and currency can be inserted into slot machines; and adopt a rule to require patrons to actively be engaged in playing slot machines in order to be entitled to credits or payouts. The general authority for these rules, as cited by the commission, is SDCL 42-7-56, 42-7-67, and 42-7B-7.

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on November 24, 2009, at 9:00 a.m. MT. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Commission on Gaming, 221 West Capitol Avenue, Suite 101, c/o 1320 East Sioux Avenue, Pierre, South Dakota 57501-3100. Materials sent by mail must reach the Commission on Gaming by November 23, 2009, to be considered. However, the Commission requests that all written comments be received by November 16, 2009, to allow for adequate consideration prior to the hearing. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-6050 or (605) 578-3074 at least 48 hours before the hearing.

Department of Education: Board of

Education: (October 8, 2009) intends to amend Special Education rules to add the new supplemental regulation from IDEA and update language regarding FERPA; amend a Financial Matters rule to provide an equitable method for reimbursing providers for their driving time to a location where services will be delivered; amend a Developmental Delay rule to clarify eligibility; amend Accreditation and School Improvement rules to eliminate the option of a basic or standard high school program to comply with SB 187; and amend an Approval Process for Teacher Education Programs rule to allow elementary teachers to participate in the certification only program. The general authority for these rules, as cited by the board, is SDCL 13-1-12.1, 13-3-47, 13-37-1.1, 13-33-19, 13-42-3, and 16-18-1.

A public hearing will be held in Conference Room 3, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on November 2, 2009, at 1:00 p.m. CST. Copies of the proposed rules may be obtained without charge from the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291 or from the Internet at <http://doe.sd.gov/secretary/board/>. Written comments may be sent to the board at the address above and must be received by October 28, 2009, 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) 773-5669 at least 48 hours before the hearing.

Department of Agriculture: Agricultural Services: (October 9, 2009) intends to amend and adopt rules to allow the sale of raw milk with oversight by the South Dakota Department of Agriculture. The general authority for these rules, as cited by the department, is SDCL 39-6-9, 40-32-18, and 40-32-22.

A public hearing will be held in Room 412, of the State Capitol, 500 E. Capitol Avenue, Pierre, South Dakota, on November 17, 2009, at 9:30 a.m. CDT. Copies of the proposed rules may be obtained from and written comments sent to South Dakota Department of Agriculture, Division of Agricultural Services, Dairy and Egg Office, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by November 27, 2009, to be considered. For access assistance, handicapped persons may call (605) 773-3796, before the hearing.

FILINGS IN THE SECRETARY OF STATE’S OFFICE:

Executive Appointments:

Todd Chambers, Watertown, was reappointed on October 1, 2009, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2012.

Don Kaiser, Sioux Falls, was reappointed on October 1, 2009, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until

October 31, 2012.

Kevin Kouba, Milbank, was reappointed on October 1, 2009, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2012.

Arvid Liebe, Milbank, was reappointed on October 1, 2009, to the **State Board of Pharmacy**, effective immediately and shall continue until October 1, 2012.

Kurt Pfeifle, Miller, was reappointed on October 1, 2009, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until October 31, 2012.

Everett Hoyt, Rapid City, was reappointed on October 5, 2009, to the **Water Management Board**, effective immediately and shall continue until June 30, 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

10-14-2009	Health: Health Systems Development and Regulation	Amend rules to assure the public health and safety requirements are met in the licensed lodging and campground facilities regulated by the department (egress windows); 36 SDR 55.
10-21-2009	Revenue and Regulation: Division of Insurance	Adopt rules to include contracted Centers of Excellence in access plans filings and require health carriers to utilize registered Centers of

		Excellence; define medically necessary leaves of absence for dependent students enrolled on individual health benefit plans and the coverage rights of those students during that leave of absence; and define medically necessary leaves of absence for dependent students enrolled on group health benefit plans and the coverage rights of those students during that leave of absence; 36 SDR 44.
10-22-2009	Agriculture: Division of Agricultural Services	Amend rules to define milk buyer and to charge the assessment fee as allowed in SDCL 40-32-25; 36 SDR 51.
10-26-2009	Social Services: Economic Assistance	Adopt rules to facilitate the administration of the Auxiliary Placement Program; 36 SDR 56.
10-26-2009	Social Services: Economic Assistance	Amend Supplemental Nutrition Assistance Program (SNAP) rules to update definitions and references; conform with new simplified reporting requirements; repeal obsolete provisions that are inapplicable under new reporting requirements; and remove references and policies related to retrospective budgeting; amend Low Income Energy Assistance Program (LIEAP) rules to update definitions; allow categorically income eligible households automatic eligibility; update a reference; and exempt children under age 19 from duplicate payment provisions in certain situations; 36 SDR 56.
10-26-2009	Social Services: Economic Assistance	Amend Temporary Assistance for Needy Families (TANF) Program rules to update definitions and references; clarify existing procedures; clarify policy related to the protection and release of confidential information; conform with new simplified reporting requirements; repeal obsolete provisions that are inapplicable under new reporting requirements; remove references and policies related to retrospective budgeting; and update work activity provisions; 36 SDR 57.
11-2-2009	Education: Board of Education	Amend Special Education rules to add the new supplemental regulation from IDEA and update language regarding FERPA; amend a Financial Matters rule to provide an equitable method for reimbursing providers for their driving time to a location where services will be delivered; amend a Developmental Delay rule to clarify eligibility; amend Accreditation and School Improvement rules to eliminate the

		option of a basic or standard high school program to comply with SB 187; and amend an Approval Process for Teacher Education Programs rule to allow elementary teachers to participate in the certification only program; 36 SDR 61.
11-6-2009	Revenue and Regulation: Appraiser Certification	Amend rules to adopt the National Credit Union Administration's regulations establishing the \$250,000 threshold level; correct the term throughout the rules for supervising appraiser; correct spelling of a word, remove repetitive language; specifically state that personal inspections are the collective total of all of a state-registered appraiser's supervising appraisers; require the specific general college courses to be the equivalent of 3 semester credit hours; adopt the 2010-2011 Edition of the Uniform Standards of Professional Appraisal Practice; grant the secretary the authority for disciplinary action of an appraiser that has voluntarily surrendered a license or certificate in lieu of disciplinary action; require completion of the 7-hour uniform standards course to be completed in a timely manner after adoption; and require educational providers to submit student evaluations of each course offering to the secretary; 36 SDR 55.
11-6-2009	Environment and Natural Resources: Board of Water and Natural Resources	Adopt rules to amend the director areas of the East Dakota Water Development District and the James River Water Development District; 36 SDR 56.
11-17-2009	Agriculture: Division of Agricultural Services	Amend and adopt rules to allow the sale of raw milk with oversight by the SD Department of Agriculture; 36 SDR 62.
11-24-2009	Revenue and Regulation: Commission on Gaming	Amend Racing rules to repeal the limit on number of trainers; change the date that education courses are required from January 1, 2010, to January 31, 2012; and repeal the time for claiming payments from pari-mutuel pool; amend Gaming rules to clarify that coins and currency can be inserted into slot machines; and adopt a rule to require patrons to actively be engaged in playing slot machines in order to be entitled to credits or payouts; 36 SDR 61.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, November 18, 2009, in Room 414, Fourth Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2009 interim: December 15.

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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