

REGISTER



South Dakota Legislative Research Council

Volume 33

Monday, 8:00 a.m., December 11, 2006

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

Department of Transportation: (December 7, 2006) intends to amend a speed zone in Yankton County on South Dakota Highway 52 west of Yankton to remove the existing 40 mile per hour speed zone west of town and to add a new 40 mile per hour speed zone at the western edge of town. The general authority for this rule, as cited by the department, is SDCL 32-25-7 and 32-25-7.1.

A public hearing will be held in the commission room of the Becker/Hansen Building, 700 E. Broadway Avenue in Pierre, South Dakota, on January 25, 2007, at 9:05 a.m. CST. 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 by January 24, 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf) at least 48 hours before the public hearing.

Department of Social Services: Division of Child Care Services: (December 7, 2006) intends to amend rules relating to Child Care Services to: if in school, require the client to attend at least 80 hours of actual class time a month; if working and attending school, clarify that the client's combined work time and school

hours must be a minimum of 80 hours a month; delete an exception to the work and education requirements for a client who participates at least 25 hours a month in employment and training under the Food Stamp Program; specify that a household is not required to participate in the cost of a child care if the household's adjusted income is at or below the federal poverty level; require households with an adjusted income between 101 percent and 200 percent of the federal poverty level to contribute to the cost of care; specify that a household is ineligible for child care assistance if the household's adjusted income exceeds 200 percent of the federal poverty level; specify that a household's copayment may not exceed 15 percent of the household's adjusted income; specify that a family must pay 100 percent of its child care costs if the family's nonrecurring lump sum income exceeds 200 percent of the federal poverty level; move the maximum rates payable for child care service costs to the Department's website and specify that the established rates are based on local market rate surveys; allow a child care provider to bill for any absence, intended or not, up to nine hours a week with a maximum of 36 hours a month; allow a child care provider to bill up to four hours a day while the child is not in care because the child is attending a pre-school operated by a school district; no longer require a provider to obtain a tuberculin skin test and submit the test results to the Department; no longer require an in-home, relative, or informal provider to complete three hours of training in the area of child care within the first six months; redetermine a client's eligibility for transitional child care benefits and the amount of the client's copayment once every 12 months and allow the

Department to redetermine eligibility and the amount of the copayment earlier if the Department has information that verifies the client will no longer be employed; and no longer require the parent to complete and submit to the Department a status review form. The general authority for these rules, as cited by the department, is SDCL 28-1-61.

A public hearing will be held in the Department of Social Services Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on Tuesday, January 2, 2007, at 9:30 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 January 12, 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.

NOTICE:

The **South Dakota Lottery** is ending instant ticket game numbers 243 - Beat the Heat, 240 - Screamin' 7's, 262 - Pheasant Flush, 256 - Happy Birthday, 251 - PacMan Cash, 254 - Cat Scratch Fever, and 255 - O' Lucky 7's. The last day that prizes will be paid for these games is May 30, 2007.

FILINGS IN THE SECRETARY OF STATES OFFICE:

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES: BOARD OF WATER AND NATURAL RESOURCES:

74:05:07:01, 74:05:07:07, 74:05:07:10, 74:05:07:15.01, 74:05:07:23, 74:05:07:26, 74:05:07:27; 74:05:08:01, 74:05:08:02, 74:05:08:05, 74:05:08:09, 74:05:08:11, 74:05:08:13, 74:05:08:13.01, 74:05:08:13.02, 74:05:08:14, 74:05:08:16, 74:05:08:17, 74:05:08:18, 74:05:08:22; 74:05:10:01, 74:05:10:13, 74:05:10:20, 74:05:10:22, 74:05:10:23; 74:05:11:01, 74:05:11:03, 74:05:11:04, 74:05:11:06, 74:05:11:10, 74:05:11:12, 74:05:11:12.01, 74:05:11:12.02, 74:05:11:13, 74:05:11:14, 74:05:11:15.01, 74:05:11:16, 74:05:11:17, and 74:05:11:23.

History-Notice: 33 SDR 49, Sept. 11, 2006
 Hearing: September 28, 2006
 Filed: December 5, 2006
 Effective: December 26, 2006

DEPARTMENT OF HEALTH: 44:06:01:00, 44:06:01:08, 44:06:01:08.01; 44:06:02:02 to 44:06:02:04, inclusive, 44:06:02:06; 44:06:03:04; 44:06:04:01, 44:06:04:02; 44:06:05:01, 44:06:05:03; 44:06:06:01, 44:06:06:03, 44:06:06:04, and 44:06:06:07.

History-Notice: 33 SDR 65, October 10, 2006
 Hearing: October 30, 2006
 Filed: December 5, 2006
 Effective: December 26, 2006

DEPARTMENT OF HEALTH: 44:20:01:01, 44:20:01:04; 44:20:02:06; and 44:20:03:01.

History-Notice: 33 SDR 69, October 16, 2006
 Hearing: November 6, 2006
 Filed: December 5, 2006
 Effective: December 26, 2006

DEPARTMENT OF HEALTH: 44:67.

History-Notice: 33 SDR 69, October 16, 2006
 Hearing: November 9, 2006
 Filed: December 5, 2006
 Effective: December 26, 2006

DEPARTMENT OF HUMAN SERVICES:

46:31:01:01, 46:31:01:03, 46:31:01:03.01,
 46:31:01:03.02, 46:31:01:03.03,
 46:31:01:03.05, 46:31:01:03.06, 46:31:01:05;
 46:31:02:01 to 46:31:02:05, inclusive;
 46:31:03:01 to 46:31:03:06, inclusive;
 46:31:04:01; 46:31:05:01; and 46:31:06:01 to
 46:31:06:03, inclusive.

History-Notice: 33 SDR 73, October 23, 2006
 Hearing: November 13, 2006
 Filed: December 5, 2006
 Effective: December 26, 2006

**DEPARTMENT OF LABOR: BOARD OF
 ACCOUNTANCY: 20:75:02:11, 20:75:02:14,
 20:75:02:15, 20:75:02:16, 20:75:02:19,
 20:75:02:20, 20:75:02:21; 20:75:03:03,
 20:75:03:15; 20:75:05:01, 20:75:05:05,
 20:75:05:06, 20:75:05:07, 20:75:05:08,
 20:75:05:10, 20:75:05:17; 20:75:07:01, and
 20:75:07:08.**

History-Notice: 33 SDR 41, Sept. 5, 2006
 Hearing: October 6, 2006
 Filed: December 5, 2006
 Effective: December 26, 2006

PUBLIC UTILITIES COMMISSION:

20:10:01:01.01, 20:10:01:01.02, 20:10:01:02.02
 to 20:10:01:02:05, inclusive, 20:10:01:07.01 to
 20:10:01:11.01, inclusive, 20:10:01:15 to
 20:10:01:15.02, inclusive, 20:10:01:15.04,
 20:10:01:15.05, 20:10:01:16, 20:10:01:22.03,
 20:10:01:22.07, 20:10:01:24, 20:10:01:24.01,
 20:10:01:25, 20:10:01:30.01, 20:10:01:34,
 20:10:01:35, 20:10:01:39, 20:10:01:40, and
 20:10:01:41.

History-Notice: 33 SDR 65, October 10, 2006
 Hearing: November 7, 2006

Filed: December 5, 2006
 Effective: December 26, 2006

BUREAU OF ADMINISTRATION:

10:02:01:02, 10:02:01:06, 10:02:01:07; and
 10:08:01:01 to 10:08:01:04, inclusive.

History-Notice: 33 SDR 23, August 7, 2006
 Hearing: September 26, 2006
 Filed: December 6, 2006
 Effective: December 26, 2006

**DEPARTMENT OF REVENUE AND
REGULATION: BANKING
COMMISSION: 20:07:06:01.01.**

History-Notice: 33 SDR 66, October 10, 2006
 Hearing: October 26, 2006
 Filed: December 6, 2006
 Effective: December 26, 2006

**DEPARTMENT OF REVENUE AND
REGULATION: DIVISION OF
INSURANCE: 20:06:08:43.02;
20:06:10:08.03; 20:06:14:04.01; and
20:06:51:01 to 20:06:51:05, inclusive.**

History-Notice: 33 SDR 69, October 16, 2006
 Hearing: November 9, 2006
 Filed: December 6, 2006
 Effective: December 26, 2006

**DEPARTMENT OF AGRICULTURE:
STATE BRAND BOARD: 12:10:02:05.**

History-Notice: 33 SDR 35, August 28, 2006
 Hearing: September 27, 2006
 Filed: December 7, 2006
 Effective: December 27, 2006

**DEPARTMENT OF GAME, FISH AND
PARKS: 41:03:04:03; 41:06:13:02,
41:06:13:04; 41:06:15:02; 41:06:16:07;
41:07:02:02; 41:07:03:01, 41:07:03:03;
41:07:06:01.02; and 41:09:15:04.**

History-Notice: 33 SDR 77, October 30, 2006
 Hearing: November 16, 2006

Filed: December 7, 2006
Effective: December 27, 2006

DEPARTMENT OF PUBLIC SAFETY:

61:06:01:06 to 61:06:01:11, inclusive;
61:18:01:01; 61:18:08:04; 61:19:01:01;
61:19:02:01, 61:19:02:07; 61:19:04:01;
61:25:01:01; 61:25:02:01; 61:25:03:01;
61:25:04:01 to 61:25:04:19, inclusive;
61:25:05:01 to 61:25:05:05, inclusive; and
61:26:01:01.

History-Notice: 33 SDR 42, Sept. 5, 2006
Hearing: September 28, 2006
Filed: December 7, 2006
Effective: December 27, 2006

Executive Appointments:

Rosalyn Goodwin, Brandon, was reappointed on November 29, 2006, to the South Dakota Interagency Coordinating Council, effective January 1, 2007, and shall continue until December 31, 2009.

Carli Nighbert, Madison, was reappointed on November 29, 2006, to the **South Dakota Interagency Coordinating Council**, effective January 1, 2007, and shall continue until December 31, 2009.

Anne Reddy, Rapid City, was reappointed on November 29, 2006, to the **South Dakota Interagency Coordinating Council**, effective January 1, 2007, and shall continue until December 31, 2009.

Shawna Fullerton, Pierre, was appointed on December 4, 2006, to the **South Dakota Interagency Coordinating Council**, to replace Revi Warne, effective November 28, 2006.

David Calhoon, Spearfish, was reappointed on December 1, 2006, to the **South Dakota Interagency Coordinating Council**, effective January 1, 2007, and shall continue until

December 31, 2009.

Karla Schlosser, Aberdeen, was reappointed on December 1, 2006, to the **South Dakota Interagency Coordinating Council**, effective January 1, 2007, and shall continue until December 31, 2009.

Arlene Ham-Burr, Rapid City, was appointed on December 5, 2006, to the **State Board of Pharmacy**, to replace Nora Hussey, effective November 29, 2006, and shall continue until October 1, 2009.

Arvid Liebe, Milbank, was reappointed on December 5, 2006, to the **State Board of Pharmacy**, effective immediately and shall continue until October 1, 2009.

Ken Karels, Sioux Falls, was appointed on December 7, 2006, to the **South Dakota Development Corporation**, to replace Virginia Dettman, effective December 6, 2006.

Bennett L. Kyte, Sioux Falls, was appointed on December 7, 2006, to the **South Dakota Development Corporation**, to replace Jack Lynass, effective November 29, 2006.

Laura Woitte, Sioux Falls, was appointed on December 7, 2006, to the **Board of Massage Therapy**, to replace David Banker, effective December 7, 2006, and shall continue until June 30, 2008.

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

12-12-2006	Personnel: Career Service Commission	Amend rules to add the term "emergency" to the definitions section; clarify the procedure to be used in an appeal from the selection process; clarify who may close a state office for the purpose of granting administrative leave and specify that an essential employee who is required to work during an office closure will not receive additional pay; and allow for the granting of furloughs during emergencies as a form of leave from work during which the employee maintains health benefits, may use vacation leave, retains the right to return to his or her job but is not paid; 33 SDR 93.
12-12-2006	Revenue and Regulation: Gaming Commission	Amend Racing Rules to grant the stewards' discretion in allowing the spouse of a person who has been deemed ineligible or disqualified to enter a horse in a race where the stewards believe the spouse was not guilty of any wrongdoing. Amend Deadwood Gambling Rules to revise the rules for the play of Silverado Stud poker, clarifying five-card and three-card bet play, and adopting new payout schedules for the game; modify the play of Hold 'em 212 poker clarifying the rules on one player Hold 'em 212, two or more players Hold 'em 212 and blackjack; and modify slot machine promotional and bonus systems by removing the requirement that unique identifier numbers be displayed as transaction information on slot machine event logs; 33 SDR 95.
1-2-2007	Social Services	Amend rules relating to Child Care Services to: if in school, require the client to attend at least 80 hours of actual class time a month; if working and attending school, clarify that the client's combined work time and school hours must be a minimum of 80 hours a month; delete an exception to the work and education requirements for a client who participates at least 25 hours a month in employment and training under the Food Stamp Program; specify that a household is not required to participate in the cost of a child care if the household's adjusted income is at or below the federal poverty level; require households with

		<p>an adjusted income between 101 percent and 200 percent of the federal poverty level to contribute to the cost of care; specify that a household is ineligible for child care assistance if the household's adjusted income exceeds 200 percent of the federal poverty level; specify that a household's copayment may not exceed 15 percent of the household's adjusted income; specify that a family must pay 100 percent of its child care costs if the family's nonrecurring lump sum income exceeds 200 percent of the federal poverty level; move the maximum rates payable for child care service costs to the Department's website and specify that the established rates are based on local market rate surveys; allow a child care provider to bill for any absence, intended or not, up to nine hours a week with a maximum of 36 hours a month; allow a child care provider to bill up to four hours a day while the child is not in care because the child is attending a pre-school operated by a school district; no longer require a provider to obtain a tuberculin skin test and submit the test results to the Department; no longer require an in-home, relative, or informal provider to complete three hours of training in the area of child care within the first six months; redetermine a client's eligibility for transitional child care benefits and the amount of the client's copayment once every 12 months and allow the Department to redetermine eligibility and the amount of the copayment earlier if the Department has information that verifies the client will no longer be employed; and no longer require the parent to complete and submit to the Department a status review form; 33 SDR 105.</p>
<p>1-25-2007</p>	<p>Transportation</p>	<p>Amend a speed zone in Yankton County on South Dakota Highway 52 west of Yankton to remove the existing 40 mile per hour speed zone west of town and to add a new 40 mile per hour speed zone at the western edge of town; 33 SDR 105.</p>

RULES REVIEW COMMITTEE MEETINGS

The last meeting of the Interim Rules Review Committee will be held Monday, January 8, 2007, 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 Legislative Web site.

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