

REGISTER



South Dakota Legislative Research Council

Volume 32

Monday, 8:00 a.m., December 12, 2005

NOTICES OF PROPOSED RULES: (None)

FILINGS IN THE SECRETARY OF STATES OFFICE:

DEPARTMENT OF LABOR: PUBLIC UTILITIES COMMISSION: 20:10:22:01, 20:10:22:04, 20:10:22:05, 20:10:22:12 to 20:10:22:18, inclusive, 20:10:22:33.01, 20:10:22:33.02, 20:10:22:35, and 20:10:22:40.

History-Notice: 32 SDR 55, October 3, 2005
Hearing: November 1, 2005
Filed: December 6, 2005
Effective: December 26, 2005

SECRETARY OF STATE: BOARD OF ELECTIONS: 5:02:05:02.01, 5:02:05:02.03; 5:02:06:01.02; 5:02:09:02, 5:02:09:22; 5:02:10:01, and 5:02:10:06.

History-Notice: 32 SDR 69, October 24, 2005
Hearing: November 16, 2005
Filed: December 6, 2005
Effective: December 26, 2005

DEPARTMENT OF TRANSPORTATION: 70:01:02:19, 70:01:02:21, 70:01:02:27, 70:01:02:45; 70:01:03:32; 70:07:03:01 to 70:07:03:03, inclusive.

History-Notice: 32 SDR 75, October 31, 2005
Hearing: November 17, 2005
Filed: December 6, 2005
Effective: December 26, 2005

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:01:15; 41:03:03:03; 41:03:04:03, 41:03:04:05.01; 41:07:01:01, 41:07:01:11; 41:07:03:01 to 41:07:03:03, inclusive; 41:07:06:01, 41:07:06:01.01, 41:07:06:03; 41:09:04:03; and 41:09:08:03.02.

History-Notice: 32 SDR 63, October 17, 2005
Hearing: November 3, 2005
Filed: December 7, 2005
Effective: December 27, 2005

DEPARTMENT OF REVENUE AND REGULATION: APPRAISERS: 20:14:01:01; 20:14:02:01; 20:14:03:06; 20:14:04:06, 20:14:04:06.01, 20:14:04:07, 20:14:04:11, 20:14:04:12, 20:14:04:13; 20:14:05:02 to 20:14:05:05.01, inclusive, 20:14:05:05.03 to 20:14:05:08.01, inclusive, 20:14:05:12, 20:14:05:12.01; 20:14:06:01; 20:14:13:01 to 20:14:13:02.01, inclusive, 20:14:13:03.01 to 20:14:13:05.03, inclusive, 20:14:13:07, and 20:14:13:10.01.

History-Notice: 32 SDR 57, October 11, 2005
Hearing: November 18, 2005
Filed: December 7, 2005
Effective: December 27, 2005

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

12-13-2005	Revenue and Regulation: Gaming Commission	Amend Deadwood Gambling Rules to eliminate language in the rules relating to copyrighting, patenting and rights to the game, as well as requirements that the table display the appropriate layout for Hold 'em eighty-eight, Three-card poker, Let it ride and let it ride bonus including three card bonus optional side bet, Caribbean stud poker, Bonus 6 poker, Twisted Pineapple poker, Texas Shootout poker, a variation of Texas Hold 'em poker, Silverado Stud poker, Four-Card poker, and Hold 'em 212 poker; and amend a rule to recognize that bonus awards may be based on not only a specific wager, but also on a specific event and to clarify the procedures adhered to in slot machine promotional and bonus systems; 32 SDR 85.
12-14-2005	Health	Adopt and amend rules to add or clarify definitions, terms, and statements. In addition, rules will more closely comply with federal regulations and define the scope of article 44:03 (Radiation Safety), 44:04 (Medical Facilities), and 44:58 (Drug Control) to improve operator safety on x-ray equipment, improve public safety, clarify the experience of social service designee, amend reporting requirements to reflect current federal requirement, clarify use of chemicals, require safe food service, permit additional laundry processes, permit additional ventilation options for clean storage rooms, permit flexibility in removing putrescible garbage, improve occupant protection, expand qualifications for an assisted living center administrator, clarify personnel education, clarify tuberculin skin testing and history and physical examination requirements, provide a phase-in time period for new dietary guidelines, rename dining assistance program, clarify the purpose of social services in nursing facilities, remove vapor barrier and drain tile requirements, redefine purpose of wall finishes, revise exhaust ventilation requirements for cooking appliances, repeal soil treatment for termite control, introduce requirement for composition of interdisciplinary team for self-

		administration of drugs, remove the requirement regarding income of adult foster care owners, prohibit the use of portable space heaters and portable halogen lamps in adult foster care homes, update references, reverse distributor registration, and update theft report requirements; 32 SDR 93.
12-15-2005	Health: Board of Examiners in Optometry	Amend rules to increase by \$50 the annual renewal fee; clarify the code of ethics regarding division of fees by an optometrist; clarify and implement a more objective standard regarding business relationships of an optometrist; and to provide for a listing of procedures within the scope of practice of optometry; 32 SDR 99.
1-6-2006	Health: Board of Dentistry	Repeal the requirement for a written work order being prepared for dental work orders; amend the continuing education requirements for the one-hour radiology course required each year to require the completion of five hours of education in a five-year period; and amend rules to allow dental assistants to administer nitrous oxide; 32 SDR 105.

Rules Review Committee Meetings

The last meeting of the Interim Rules Review Committee will be held Monday, January 9, 2006, 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.

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 32 are \$20. 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.htm>).