REGISTER

South Dakota Legislative Research Council

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NOTICES OF PROPOSED RULES: (None)

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF REVENUE AND REGULATION: LOTTERY COMMISSION: 48:03:06:05.

History-Notice: 35 SDR 77, Sept. 29, 2008
Hearing: October 24, 2008
Filed: December 8, 2008
Effective: December 29, 2008

ATTORNEY GENERAL: LAW ENFORCEMENT OFFICERS STANDARDS AND TRAINING COMMISSION: 2:01:06:17, 2:01:06:17.01, 2:01:06:17.02, 2:01:06:17.05; 2:01:13:03 and 2:01:13:18.

History-Notice: 35 SDR 87, October 14, 2008
Hearing: November 13, 2008
Filed: December 10, 2008
Effective: December 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

12-17-2008	Health: Data Statistics and Vital Records	Amend Public Health Statistics rules to increase the fee for search, verification, or certified copy of the following vital events: birth, death, marriage, and divorce; 35 SDR 145.
12-17-2008	Agriculture: Agriculture Development	Amend *South Dakota Certified*™ beef program rules to alter the entity that issues the BQA/CMP certificate and distributes the manual; allow cattle to be born into the possession of a Beef Quality Assurance trained producer, instead of a BQA licensed producer, so long as they have remained in the possession of the original producer; allow eligible cattle to be enrolled past weaning as long as they have not left the premise of origin or before they are commingled with non-eligible steers or heifers that have originated off the original premise; and allow the feeding

		of additional feed products to include corn, grain sorghum, oats, wheat barley and distiller products during the final 100 days of the finishing phase of *South Dakota Certified Enrolled Cattle*™; 35 SDR 146.
12-18-2008	Board of Regents	Amend rules to allow students receiving an associate degree or certificate to continue their enrollment in the South Dakota Opportunity Scholarship program, allow for students to take the ACT exam during the summer before starting their post-secondary education, change the curriculum requirements to reflect the Department of Education's distinguished high school program, and establish dates for student eligibility for funding into administrative rules; 35 SDR 117.
12-18-2008	Revenue and Regulation: Division of Insurance	Amend a rule to allow for the payment of commissions other than by means of direct deposit and in amounts less than $25; 35 SDR 145.
12-18-2008	Agriculture: Agricultural Services	Amend a rule to increase the tonnage inspection fee for fertilizer products distributed in South Dakota; 35 SDR 146.
12-22-2008	Social Services: Child Protection Services	Amend rules to deny an application for adoption services, a family foster home license, or a family day care license if a criminal record check of the applicant or any household member detects a felony conviction within the preceding five years, a crime that would indicate harmful behavior towards children, a crime of violence, or a sex crime; specify that the Department will obtain a criminal records check on an applicant applying through another child placement agency if the child placement agency is unable to obtain the record check on its own; add Haemophilus Influenzae Type b (Hib) and Hepatitis B (Hep B) to the list of immunizations required of an adoption applicant and the applicant's family; no longer require tuberculin skin tests for an adoption applicant, a family foster care applicant, a family day care applicant, or a member of the applicant's household; allow a certified nurse practitioner or physician's assistant to complete the physical exam form on behalf of an adoption applicant; establish a process to be used for removing an individual's name from

		the state's central registry of abuse and neglect when the screening locates an individual's name on the central registry of another state or when the screening locates a report that was substantiated by a tribal program, specify that hot water in a family foster home must be at least 110 degrees Fahrenheit and may not exceed 130 degrees Fahrenheit; require railings in family foster homes to meet local building codes for height or be at least 34 inches high, whichever is greater, and have intermediate rails or an ornamental pattern such that a sphere four inches in diameter cannot pass through any opening; establish water safety standards that a family foster home must meet if there is any body of water in the play area and establish additional safety standards that must be met if the body of water is a swimming pool or a hot tub; require an applicant for employment in a group care center to provide three professional references and require the contacts with the references to be documented before the individual is hired; require an employee of a group care center who is under age 21 to be at least three years older than any child the employee supervises and work under the direct supervision of an experienced staff member who is at least 21 years old; require a group care center provider to submit a copy of its building plans for a new facility or the planned renovation or alternation of an existing facility and specify the information that must be included on the plans; require a residential treatment center to include in a child's treatment plan an assessment of the child's needs, strengths, weaknesses, and problems, treatment goals, and timelines for achieving the stated goals; require a foster parent applicant of a child placement agency to obtain at least 30 hours of orientation training in specified areas before receiving an initial license; and specify that a foster home must attempt to preserve a foster child's religious heritage when possible; 35 SDR 155.

RULES REVIEW COMMITTEE MEETINGS

The last regular meeting of the Interim Rules Review Committee will be held Monday, January 12, 2009, in Room 413, Fourth Floor, of the State Capitol.

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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