

REGISTER



South Dakota Legislative Research Council

Volume 33

Monday, 8:00 a.m., December 18, 2006

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

Department of Social Services: (December 15, 2006) has filed a rule amendment to establish new parameters for the monthly gross and net income eligibility standards for food stamp households and to establish a household's maximum food stamp allotment based on the established thrifty food plan.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

Department of Social Services: (December 15, 2006) has filed a rule amendment to provide a cost-of-living increase to the supplemental security income (SSI) benefit amount provided pursuant to Title XVI of the Social Security Act.

This rule is adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

Department of Social Services: (December 15, 2006) has filed rule amendments to increase, as of January 1, the maximum amount of resources that may be protected for the community spouse and the maximum amount of the monthly maintenance needs allowance for the community spouse when that person's spouse enters a long-term care facility.

These rules are adopted under the procedure provided in SDCL 1-36-20. This procedure permits adoption of a federally mandated rule without following the procedures set forth in SDCL 1-26-4 to 1-26-6, inclusive.

FILINGS IN THE SECRETARY OF STATES OFFICE:

**DEPARTMENT OF AGRICULTURE:
STATE CONSERVATION COMMISSION:**
12:03:05:01 to 12:03:05:03, inclusive,
12:03:05:05, 12:03:05:07, 12:03:05:09,
12:03:05:12, 12:03:05:13, 12:03:05:16,
12:03:05:18 to 12:03:05:20, inclusive,
12:03:05:22, and 12:03:05:24 and Appendix A.

History-Notice: 33 SDR 66, Oct. 10, 2006
Hearing: November 9, 2006
Filed: December 12, 2006
Effective: January 2, 2007

DEPARTMENT OF PUBLIC SAFETY:
61:15:01:01 to 61:15:01:09, inclusive,
61:15:01:11, 61:15:01:13, 61:15:01:16 to
61:15:01:19, inclusive; 61:15:02:03 to
61:15:02:08, inclusive; 61:15:03:01,
61:15:03:06 to 61:15:03:09, inclusive;
61:15:05:03 to 61:15:05:09, inclusive;
61:15:06:04 to 61:15:06:08, inclusive;
61:15:07:01 to 61:15:07:03, inclusive,
61:15:07:05, 61:15:07:08, 61:15:07:09,
61:15:07:11, 61:15:07:14 to 61:15:07:16,
inclusive, 61:15:07:19 to 61:15:07:24, inclusive,
and 61:15:07:28 to 61:15:07:30, inclusive.

History-Notice: 33 SDR 42, Sept. 5, 2006
Hearing: October 3, 2006

Filed: December 12, 2006
 Effective: January 2, 2007

2007, and shall continue until January 1, 2010.

Executive Appointments:

Jeffrey R. Holcomb, Sioux Falls, was appointed on December 7, 2006, to the **Board of Massage Therapy**, to replace Raye Jeanne Blundell, effective December 7, 2006, and shall continue until June 30, 2009.

Mark Bledsoe, Aberdeen, was reappointed on December 13, 2006, to the **Board of Chiropractic Examiners**, effective January 1, 2007, and shall continue until January 1, 2010.

Donn Fahrendorf, Sioux Falls, was reappointed on December 13, 2006, to the **Board of Chiropractic Examiners**, effective January 1, 2007, and shall continue until January 1, 2010.

James Lawler, Deadwood, was appointed on December 13, 2006, to the **Board of Chiropractic Examiners**, to replace David Kenyon, effective December 11, 2006, and shall continue until January 1, 2009.

Mark Steiner, Pierre, was reappointed on December 13, 2006, to the **Board of Chiropractic Examiners**, effective January 1,

JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:

The Attorney General has entered into joint powers agreements regarding a pilot project to monitor individuals who have been convicted of driving under the influence of alcohol. The agreements are with the law enforcement offices in: Clay County; Yankton Police; Yankton County; Brown County; Brookings County; Spink County; and Pennington County.

Copies of the agreements are on file with the Legislative Research Council and may be copied or reviewed during normal business hours.

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

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
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		<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.