REGISTER

South Dakota Legislative Research Council

Volume 31 *Monday, 8:00 a.m., May 23, 2005*

NOTICES OF PROPOSED RULES: (None)

FILINGS IN THE SECRETARY OF STATES OFFICE:

DEPARTMENT OF LABOR: SOUTH DAKOTA RETIREMENT SYSTEM:
62:01:05:01, 62:01:05:01.04, 62:01:05:01.05, 62:01:05:03, 62:01:05:05.01, 62:01:05:08, 62:01:05:09, 62:01:05:11, 62:01:05:12, 62:01:05:13, 62:01:05:17; 62:01:07:05; 62:04:01:01, 62:04:01:02, 62:04:01:03; 62:04:02:01; 62:04:03:01.

History-Notice: 31 SDR 143, March 28, 2005
Hearing: April 14, 2005
Filed: May 2, 2005
Effective: May 22, 2005

DEPARTMENT OF AGRICULTURE: WEED AND PEST CONTROL COMMISSION: 12:62:03:01.06.

History-Notice: 31 SDR 133, March 14, 2005
Hearing: April 14, 2005
Filed: May 9, 2005
Effective: May 29, 2005

DEPARTMENT OF AGRICULTURE: ANIMAL INDUSTRY BOARD: 12:68:06:09; 12:68:27:01 to 12:68:27:04, inclusive; 12:68:28:01 to 12:68:28:05, inclusive.

History-Notice: 31 SDR 143, March 28, 2005
Hearing: April 26, 2005
Filed: May 17, 2005
Effective: June 6, 2005

DEPARTMENT OF SOCIAL SERVICES: OFFICE OF MEDICAL SERVICES:
67:16:01:22; 67:16:02:11; 67:16:03:13; 67:16:06:07; 67:16:07:05.01; 67:16:08:08; 67:16:09:07; 67:16:11:12; 67:16:14:10; 67:16:41:16; 67:16:44:08; 67:16:46:07.

History-Notice: 31 SDR 147, April 4, 2005
Hearing: April 21, 2005
Filed: May 17, 2005
Effective: June 6, 2005

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:03:03.01; 41:03:04:10.03; 41:06:01:03, 41:06:01:09; 41:06:02:03; 41:06:07:02; 41:06:08:01; 41:06:09:01, 41:06:09:02; 41:06:11:02 to 41:06:11:04, inclusive; 41:06:12:01; 41:06:22:01, 41:06:22:01.01, 41:06:22:02, 41:06:22:03, 41:06:22:03.01, 41:06:22:05, 41:06:22:06; 41:06:24:01 to 41:06:24:04, inclusive; 41:06:26:02, 41:06:26:03; 41:06:29:02, 41:06:29:03; 41:06:30:01, 41:06:30:02; 41:06:39:01; 41:06:41:01, 41:06:41:02; 41:06:43:01, 41:06:43:02, 41:06:43:03; 41:06:45:01, 41:06:45:02, 41:06:45:02.01, 41:06:45:04, 41:06:45:05; 41:06:47:02; 41:06:55:01; 41:06:58:01, 41:06:58:02; 41:06:59:02; 41:09:01:02, 41:09:01:03.01; 41:09:13:14.

History-Notice: 31 SDR 137, March 21, 2005
Hearing: April 7-8, 2005
Filed: May18, 2005
Effective: June 7, 2005

DEPARTMENT OF REVENUE AND REGULATION: SOUTH DAKOTA LOTTERY COMMISSION: 48:02:07:09, 48:02:07:10, 48:02:07:11; 48:02:08:01.01.

History-Notice: 31 SDR 151, April 11, 2005
Hearing: April 29, 2005
Filed: May 18, 2005
Effective: June 7, 2005

DEPARTMENT OF SOCIAL SERVICES: OFFICE OF ENERGY ASSISTANCE: 67:15:01:01, 67:15:01:06, 67:15:01:08.03, 67:15:01:09, 67:15:01:10, 67:15:01:18, 67:15:01:18.01, 67:15:01:20, 67:15:01:36, 67:15:01:37, 67:15:01:44; 67:15:02:02, 67:15:02:04.

History-Notice: 31 SDR 152, April 11, 2005
Hearing: April 29, 2005
Filed: May 19, 2005
Effective: June 8, 2005

ATTORNEY GENERAL: LAW ENFORCEMENT STANDARDS COMMISSION: 2:01:13:01 to 2:01:13:18, inclusive.

History-Notice: 31 SDR 157, April 18, 2005
Hearing: May 5, 2005
Filed: May 20, 2005
Effective: June 9, 2005

DEPARTMENT OF AGRICULTURE: (EMERGENCY) - 112:79:01:01; 112:79:02:01, 112:79:02:02; 112:79:03:01 to 112:79:03:09, inclusive; 112:79:04:01, 112:79:04:02; 112:79:05:01, 112:79:05:02; 112:79:06:01 to 112:79:06:03, inclusive; 112:79:07:01 to 112:79:07:06, inclusive; 112:79:08:01 to 112:79:08:09, inclusive; 112:79:09:01.

History-Notice: 31 SDR 178, May 9, 2005
Hearing: NA
Filed: May 20, 2005
Effective: May 20, 2005

JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:

The **State of South Dakota** and the **Crow Creek Sioux Tribe** have entered into a joint powers agreement. The agreement outlines the duties and responsibilities regarding the State's and the Tribe's cooperative efforts to cleanup and replace the dormitory and classrooms that were damaged by the fire at the school at Stephan, SD.

The **South Dakota Department of Agriculture** and **Custer State Park** have entered into a series of agreements and grants regarding their attempts to retard the spread of mountain pine beetle within the park.

Copies of the above agreements are on file with the Legislative Research Council and may be reviewed or copied during usual 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

5-25-2005	Health	Amend and adopt rules that will expand the availability of healthcare services for South Dakota residents, increase the number of sub specialist physicians practicing in South Dakota, and allow additional areas in South

		Dakota to partake of the J-1 Visa Waiver Program; 31 SDR 170.
5-27-2005	Revenue and Regulation: Property and Special Taxes	Amend rules that will allow taxpayers to submit an electronic application to file and pay taxes electronically; change the definition of commencement of a project; change the way tax is reported on bad debts; provide information required for Streamline Registration and permits, and explain the reporting periods for volunteer registrations; allow direct mail transactions to be sourced under either of the two methods in this rule; clarify who is responsible for collecting tax due from auction sales; add definitions related to computer services; update sourcing examples for attorneys; end the exemption for nutritional supplements; remove the requirements for a disclosure form for manufactured homes purchased; add and delete provisions from the definitions; make form and style changes; reduce the reporting requirements for transfers of stock in corporations holding alcohol licenses; clarify that this chapter applies to all alcoholic beverages, except malt beverages; authorize electronic filing of price schedules; repeal rules that are no longer necessary; repeal the requirement that all advertising specialties be submitted to the Department, and increase the value of advertising material wholesalers may supply to retailers; increase the maximum amount of a rebate authorized by a manufacturer and to require wholesalers to notify other wholesalers before moving their products; allow the Secretary to authorize special disposition of alcoholic beverages; add a provision from 64:75:07:02 to 64:75:07:01 which allows that rule to be repealed; increase the maximum value of items that wholesalers may supply to retailers, and repeal the special provisions for tap handles; add rules to the chapters dealing with malt beverages; and require all wholesale licensees to report any attempts to solicit unauthorized incentives; 31 SDR 177.
6-2-2005	Game, Fish and Parks	Amend rules to establish the number/types of nonresident and resident hunting licenses/tags available in the applicable modified,

		consolidated, and existing hunting Units; modify the hunting season dates of "antlerless deer" in applicable Units; permit hunting of "anterless deer" during the reopened hunting season on private and public lands in applicable hunting Units; and modify boundaries of certain hunting Units and merge certain hunting Units into consolidated hunting Units; close an area in the Black Hills (portions of the Spring Creek drainage in Pennington County) to beaver trapping; and make comprehensive modifications of rules and regulations relative to Park Concession Leases; 31 SDR 184.
6-3-2005	Health: Board of Chiropractic Examiners	Amend rules to update the licensing procedure to provide for a nonrefundable $100 as part of the initial license fee and further to provide for the criminal background investigation for applicants, to clarify the reciprocity provisions, to incorporate into approved continuing education courses a recognized approval organizations listings, to clarify preceptor selection, and to remove the term "gross" from professional conduct and to delete redundant and outdated rules; 31 SDR 170.
6-3-2005	Social Services: Child Protection Services	Amend rules to define terms; require either accreditation by the Council on Accreditation (COA) or the Joint Commission on Accreditation of Health Care Organizations (JACHO); establish the minimum services that an intensive residential treatment center must provide; specify which children may be eligible for placement into an Intensive Residential Treatment Center; establish requirements for the center's program director, direct care staff, case managers, and counselors and therapists; establish a caseload limit; require the center to establish a treatment team for each child in care and specify those individuals who must be included on a treatment team; require the treatment team to develop case service and discharge plans and establish the minimum requirements for the plans; require the center to provide living units for the children in care and establish requirements for the staff members supervising a living unit; establish the staff-child ratio; require a center to provide orientation and

		annual in-service training and establish the minimum requirements for the training; require a center to have written policy statements in certain, specified areas; establish nursing, psychiatric, and psychological service requirements; specify who is responsible for the administration of medications; require the center to periodically review the child's case service plan and provide updates to the placing agency; include an intensive residential treatment center in the definitions of "alternative care" and "facility"; require a center to provide written documentation of the need for services; allow the Department to issue a provisional license to a center under certain circumstances; require a center to meet local zoning ordinances and be approved by fire and health authorities; require the center to provide for its funding, building, and equipment needs; require the center to maintain an accounting system and provide for an annual audit; require a center to have liability insurance; establish the minimum requirements for a center's playground area, sleeping areas, and toilet facilities; and require a center to comply with the applicable provisions of chapters 67:42:01 (Provisions and Scope of Services, 67:42:07 (Group Care Centers for Minors), and 67:42:11 (Environmental Health); 31 SDR 183.
6-10-2005	Revenue and Regulation: Banking Commission	Adopt rules that authorize banks to provide mobile banking services to their customers; establish an application fee related to banks entering into mobile banking services; and establish a late fee for filing a renewal application for a money lending license; 31 SDR 177.
6-21-2005	Bureau of Personnel	Amend rules that will allow for drug testing of certain primary care employees at the South Dakota Human Services Center, Developmental Hospital, and Veterans' Home and to make changes in the procedures for drug testing of state employees so as to comply with legislation adopted by the South Dakota Legislature in 2005; 31 SDR 184.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 14, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: August 9, September 20, October 18, December 6, and January 9, 2006.

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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