

# REGISTER

*South Dakota Legislative Research Council*



*Volume 35*

*Monday, 8:00 a.m., September 29, 2008*

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

***Department of Revenue and Regulation: South Dakota Lottery Commission:*** (September 22, 2008) intends to amend a rule to adopt changes to the Powerball and Power Play games recently approved by the 31 participating lotteries. These changes, to take effect after the drawing on January 3, 2009, include the addition of white ball numbers from 55 to 59 and deletion of red ball numbers from 42 to 39, changes in corresponding prize odds, increase in starting jackpot and making the match 5 prize with Power Play option a guaranteed \$1 million. The general authority for this rule, as cited by the commission, is SDCL 42-7A-21.

A public hearing will be held in Room 468, 4<sup>th</sup> floor, State Capitol, Pierre, South Dakota, on October 24, 2008, at 9:30 a.m. Copies of the proposed rule may be obtained from and written comments sent to the Department of Revenue & Regulation, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Copies of the rules are also available at the department's website: <http://www.state.sd.us/drr2/lottery/powerballrule.pdf>. Written comments must be received by October 23, 2008, 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) 773-4701 at least forty-eight hours before the hearing

## **FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

### **Executive Appointments:**

**Wade Hubbard**, Pierre, was appointed on September 23, 2008, to the **Veterans Commission**, to replace Donald Clarke, effective October 1, 2008, and shall continue until October 1, 2014.

**Dusty Anderson**, Parkston, was appointed on September 25, 2008, to the **State Fair Commission**, to replace Douglas Fosheim, effective September 24, 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**

10-2-2008	Environment and Natural Resources: Water Management Board	Amend Ground Quality rules to require secondary containment and leak monitoring for new and replacement underground storage tank systems located within 1,000 feet of an
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		existing community water system or any potable drinking water well, require department approved training for owners and operators of regulated underground storage tank systems and make it illegal for non-compliant underground storage tank systems to receive delivery of regulated substances; 35 SDR 46.
10-15-2008	Social Services: Economic Assistance	Amend rules relating to the eligibility criteria for the Medical Services Program to specify what constitutes confidential information and establish the procedures to be followed when an individual or entity requests confidential information from the Department; when determining the value of a transferred asset, specify that the value of the transferred asset is the difference between the fair market value at the time of the transfer and the amount of compensation received, if any, unless the asset involved the purchase of a life estate or the purchase of stocks, notes, loans, or mortgages, in which case the Department applies the provisions of § 67:46:05:08.01 or 67:46:05:38, as applicable; clarify how the Department relates to the purchase of a life estate when the purchaser has lived in the home for a period of at least 12 consecutive months; specify those actions an individual (or someone acting on the individual's behalf) must take before the Department will consider waiving a period of ineligibility due to a transferred resource; when considering the value of life insurance policies, specify that the Department uses the face value of the policy and specify how the Department relates to dividends that revert to increase the policy death benefit and the cash surrender value; clarify that the Department treats an annuity as a resource first then, if the fair market value does not cause ineligibility, the purchase of the annuity is considered as a transfer of an asset; and require the Department to notify an individual of the right to request a waiver of the period of ineligibility when the individual is ineligible for long-term care assistance due to the value of home property; 35 SDR 72.
10-20-2008	Labor: Board of Accountancy	Amend rules to update references, amendments due to the computerization of the

		Uniform CPA Examination, clarification of lapsed license fees and late fees, and amendment to peer review to comply with the AICPA Peer Review Standards effective January 1, 2009; 35 SDR 72.
10-21-2008	Human Services: Division of Rehabilitation Services	Amend Registration of Interpreters rules to add a notification procedure to the division and to the interpreter on any complaints received and an investigation procedure on those complaints; define the certification maintenance program and the certification maintenance cycle; repeal the rule regarding initial registration of South Dakota certified interpreter; add language to the EIPA certified interpreter initial registration regarding the length of time prior to registration that a rating was obtained; add language specifying the requirements that must be met to continue to be certified unless an extension is granted to the South Dakota or EIPA annual registration; add a rule allowing an extension on the certification maintenance cycle under certain circumstances; and increase the time period of when the hearing will be held from date of receipt of the request; 35 SDR 71.
10-24-2008	Revenue and Regulation: Appraiser Certification Program	Amend rules to establish the appraiser classifications that may supervise state-registered appraisers, establish the responsibilities of the state-registered and supervising appraiser, establish the requirements of a supervising appraiser, establish the application for and renewal process for supervisor approval, allow acceptance of case studies or practicum courses approved by state appraiser regulatory agencies, establish the educational requirements for state-registered, state-licensed and state-certified residential appraisers for upgrade to each higher classification, remove the time limit for education credit for state-registered appraisers, set up fees for supervisor approval application and renewal, institute disciplinary action authority for supervising appraisers failing to meet supervisory responsibilities, remove the requirement that a course must be approved in the state it is being offered in to receive acceptance by the secretary, and establish the requirement of a

		training course for supervisors and state-registered appraisers; 35 SDR 71
10-24-2008	Revenue and Regulation: Lottery Commission	Amend a rule to adopt changes to the Powerball and Power Play games recently approved by the 31 participating lotteries. These changes, to take effect after the drawing on January 3, 2009, include the addition of white ball numbers from 55 to 59 and deletion of red ball numbers from 42 to 39, changes in corresponding prize odds, increase in starting jackpot and making the match 5 prize with Power Play option a guaranteed \$1 million; 35 SDR 77.

### RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Thursday, October 2, 2008, in LCR 1 & 2, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: December 2, and January 12, 2009.

**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>.