

REGISTER

South Dakota Legislative Research Council



Volume 34

Monday, 8:00 a.m., June 23, 2008

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

Secretary of State: Board of Elections:

(June 16, 2008) intends to amend rules to amend the voter registration form to include the change for the maximum penalty for perjury; amend the address for where the voter registration address verification notice is sent; amend the municipal notice of special election to include wording for a county to use as their notice of special election; amend the personal identification affidavit to include the change for the maximum penalty for perjury; add shaded boxes for the instructions to voters on the general election ballot; add the optical scan ballot format to the primary ballot layout; amend the guidelines for acceptance of petitions to remove the date requirement which is clarified in another rule; amend the requirements for counting signatures on petitions to prohibit more than one circulator on a petition sheet; amend the declaration on the partisan nominating petition to include county commissioner under the residency requirement; amend the declaration on the independent nominating petition to include county commissioner under the residency requirement; amend the water development district director nominating petition to include the term length the candidate is running for; amend the nominating petition for road or sanitary district trustee to the nominating petition for special district trustee; amend the requirement of paper seals on the ballot box; repeal the Presidential primary ballot format; add petition format for consumers power district director; and add an oath of recount board. The general authority for these rules, as cited by the office, is SDCL 12-1-9, 12-4-35, 12-18-6.2, and

12-20-52.

A public hearing will be held on July 17, 2008 at 10:00 a.m. in Dakota Digital Network locations at the State Capitol, 500 E. Capitol Avenue, Room B12, Pierre, South Dakota 57501; South Dakota School of Mines and Technology, 501 E. Saint Joseph Street, Room 110, Rapid City, South Dakota 57701; University of South Dakota State University, 2205 Career Place, University Center Building, Room 282, Sioux Falls, South Dakota 57107; Huron Middle School, 1045 18th Street SW, Huron, South Dakota 57350; Yankton High School, 1801 Summit Street, Yankton, South Dakota 57078; and Milbank High School, 1001 E. Park Avenue, Milbank, South Dakota 57252. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of State, Election Department, 500 East Capitol, Pierre, South Dakota 57501 or the proposed rules may be obtained at www.sdsos.gov/electionsvoteregistration/boardofelections.shtm. Written comments must be received on or before July 11, 2008, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the office can make arrangements are asked to call (605) 773-3537 at least 48 hours before the hearing.

Public Utilities Commission: (June 18, 2008) intends to amend Public Warehouses rules to repeal bond requirements for a public storage warehouse licensee; delete the requirement for a South Dakota resident agent to sign the grain warehouse bond and change the reference from "dealer's" to "buyer's"; delete the requirement for a resident agent signature on a rider or additional bond; delete a reference being

repealed; add the word "grain" before "warehouse licensee"; add references to open storage scale ticket holders and grain bank depositors when a license is revoked, suspended or ownership is transferred; delete requirements regarding the ordering of additional warehouse receipts; require information on a scale ticket as to the disposition of the grain and remove the requirement that scale tickets be converted to a uniform warehouse receipt, cash, check, or other grain purchase contract within 30 days; allow a temporary public grain storage unit to have a fly ash base, delete the requirement that the base must be at least one foot above the terrain, modify the requirement regarding air flow, add a requirement that an operator must notify the Commission prior to storing grain in a new storage unit, and provide flexibility regarding the inspection of new temporary storage; adopt a new rule that allows a warehouse operator to request a waiver of a rule; amend Grain Dealers rules to change all references to "dealers" to "buyers" and delete the requirement to obtain the signature of a South Dakota resident agent; delete the requirement that the voluntary credit sale contract contain the date of delivery of the grain; change the requirements for class A and class B licenses and the conditions under which the Commission may require a second financial statement; require a grain buyer to post information regarding its license and how to contact the Commission; allow a grain buyer to request a waiver of a rule; amend Assessment of Fees for Intrastate Gas Pipeline Operators rules to change the assessment of charges on pipeline operators from quarterly to annually. The general authority for these rules, as cited by the commission, is SDCL 49-34B-20, 49-42-1.2, 49-43-4.1, 49-45-6, and 49-45-11.

A public hearing will be held in Room 464, 4th Floor, State Capitol, 500 East Capitol, Pierre, South Dakota, on July 14, 2008, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Public Utilities Commission, State Capitol, 500 East Capitol, Pierre, SD 57501-5070. Copies are also

available at the commission's home page at <http://www.state.sd.us/puc/commission/dockets/rulemaking/2008/rm08-001/rm08-001.htm>. Material sent by mail must be received by the Public Utilities Commission by July 24, 2008, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3201 at least 48 hours before the hearing.

Department of Game, Fish and Parks:

(June 20, 2008) intends to amend East River Deer Hunting Season rules to establish season dates, requirements and restrictions, open areas, shooting hours, and number of licenses/tags available which will include offering 1,855 less one-tag licenses and 65 less two-tag licenses (3% decrease of 1,985 tags) than were authorized in 2007; and remove Brown County from the "super unit" in north-central South Dakota; amend Antelope Hunting Season and License Forms and Fees rules to establish season dates, requirements and restrictions, open areas, shooting hours, and number of resident and nonresident licenses/tags available which will include offering residents 485 less one-tag licenses, 6,415 less two-tag licenses, and 9,150 more 3-tag licenses, and nonresidents 41 less one-tag licenses, 508 less two-tag licenses, and 732 more 3-tag licenses, than were authorized in 2007; create a new license that would be valid for "any antelope and two doe/fawn antelope" at a cost of \$40 for residents and \$240 for nonresidents; create a new license that would be valid for "three doe/fawn antelope" at a cost of \$20 for residents and \$75 for nonresidents; provide that unfilled "doe/fawn antelope" tags from Units 15, 35, 49 and 53 can be used anywhere in this 4-unit area during the West River Deer Season; provide that unfilled "any antelope" tags from Units 15, 35, 49 and 53 would convert to "doe/fawn antelope" tags and can be used anywhere in this 4-unit area during the West River Deer Season; combine Bennett and Shannon Counties into one unit; combine Units 27A and 27B (Fall

River County) to make one Unit 27A but retain the split season; and establish a split season for Units 20A (Corson County) and 24A (Dewey County); amend National Wildlife Refuge Deer Hunting Season rules to establish season dates, requirements and restrictions, open areas, shooting hours, and establish the number of resident and nonresident licenses/tags available which will include elimination of 275 resident and 25 nonresident "any deer" licenses and instead offer 275 resident and 25 nonresident "any deer plus any antlerless deer" licenses on Sand Lake National Wildlife Refuge; elimination of 20 resident and 2 nonresident 2-tag "any deer plus any antlerless deer" licenses and instead offer 20 resident and 2 nonresident "any deer" licenses on Waubay National Wildlife Refuge; and change the length of the third Waubay National Refuge season from 21 to 14 days; amend Youth Waterfowl Hunting Season rules to establish season dates, requirements and restrictions, shooting hours, open area, bag and possession limits; and adjust the age requirement to allow youth who have not reached the age of 16 by the first day of the season to participate in the youth waterfowl season; amend Early Fall Canada Goose Hunting Season rules to establish season dates, requirements and restrictions, shooting hours, open area, bag and possession limits; modify season dates to begin on the Saturday closest to September 7 (i.e., September 6, 2008) and run until the Friday before the last Saturday of September; and include Perkins County in the area closed for early Canada Goose hunting; adopt Mentored Youth Hunting and amend Application for License and Licensee Forms Fees to establish the framework for mentored youth hunting in South Dakota, including season dates for Youth Deer, Antelope (Rifle and Archery), Fall Turkey, Spring Turkey, Small Game, and Migratory Game Bird Seasons; open areas, required licenses, daily bag and possession limits; and include the following requirements and restrictions: allow a resident parent and/or guardian to purchase no more than one (1) mentor deer license (antlerless), one (1) mentor antelope license (doe/fawn), one (1)

mentor fall turkey license "any turkey," and one (1) mentor spring turkey license "one male" for a designated mentored youth at the cost of \$5 per license; mentored youth must be at least 10 and younger than 16 years of age; mentored hunter must be accompanied by an unarmed parent, guardian, or designated mentor (except those persons carrying a pistol and possessing a valid concealed pistol permit as provided in SDCL chapter 23-7) and within immediate physical control and supervision; an adult mentor must have written permission from the parent or guardian to serve as a "mentor;" an adult mentor can not accompany more than one mentored child at any given time; a hunting party which includes a mentored youth can not exceed six (6) total persons; the adult mentor must be a resident, have successfully completed a hunter safety or hunter education course, and be at least 18 years of age; for each season and associated units, all applicable restrictions apply; mentor hunts involving migratory game birds will require the adult mentor to possess all required licenses and certifications for that specific season; for Upland and Migratory hunting, the combined take (daily limit) is not to exceed the limit authorized for the mentor license, as well as the possession limit not to exceed the limit authorized for the adult mentor; youth participating in a "Mentored Hunt" would be ineligible to obtain a regular season license for that specific season (i.e., Youth Deer, Archery and Rifle Antelope, Fall Turkey, Spring Turkey). The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, 41-6-81, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Ramkota Inn, 2111 N. LaCrosse Street (I-90, Exit 59), Rapid City, South Dakota, on July 10, 2008, at 2:00 o'clock p.m. (MDT). Copies of the proposed rules may be obtained from and written comments sent to Jeffrey R. Vonk, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by and in the office of the Secretary of the Department of Game,

Fish and Parks on or before 12:00 Noon three (3) days prior to the date of the hearing to be included within the record of the public hearing and to be considered by the Commission. Comments may also be sent by E-mail to chuck.schlueter@state.sd.us. All written and e-mail comments must include the commenter's name and address. 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) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

DEPARTMENT OF GAME, FISH AND PARKS: 41:03:01:16; 41:06:05:01; 41:06:16:08, 41:06:16:11; 41:06:22:02; 41:06:24:01; 41:06:44:01, 41:06:44:04; and 41:06:45:02.

History-Notice: 34 SDR 263, April 14, 2008
Hearing: May 1, 2008
Filed: June 16, 2008
Effective: July 7, 2008

DEPARTMENT OF LABOR: BOARD OF MASSAGE THERAPY: 20:76:01:06.

History-Notice: 34 SDR 270, April 21, 2008
Hearing: May 5, 2008
Filed: June 19, 2008
Effective: July 9, 2008

Executive Appointments:

Josia Fuerst, Pierre, was reappointed on June 12, 2008, to the **Independent Living Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Philomine Moran, Eagle Butte, was reappointed on June 12, 2008, to the **Independent Living Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Julie Ashworth, Sioux Falls, was reappointed on June 17, 2008, to the **Family Support Council**, effective July 1, 2008, and shall continue until June 30, 2011.

James R. Bartels, Pierre, was reappointed on June 17, 2008, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2008, and shall continue until June 30, 2010.

Lora Barthelman, Sioux Falls, was reappointed on June 17, 2008, to the **Family Support Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Richard Bird, Sisseton, was reappointed on June 17, 2008, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2008, and shall continue until June 30, 2010.

Margot Burton, Rapid City, was appointed on June 17, 2008, to the **Independent Living Council**, to replace Betty Coon, effective June 16, 2008, and shall continue until June 30, 2009.

Leon Cantin, Sioux Falls, was reappointed on June 17, 2008, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2008, and shall continue until June 30, 2010.

Patrick Czerny, Piedmont, was reappointed on June 17, 2008, to the **Independent Living Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Lois M. Davis, Rapid City, was reappointed on June 17, 2008, to the **Board of Tourism**, effective July 1, 2008, and shall continue until June 30, 2012.

James Entenman, Sioux Falls, was reappointed on June 17, 2008, to the **Board of Tourism**, effective July 1, 2008, and shall continue until June 30, 2012.

William Fischer, Ft. Pierre, was reappointed on June 17, 2008, to the **South Dakota Health and Educational Facilities Authority**, effective July 1, 2008, and shall continue until June 30, 2013.

David Geisler, Murdo, was reappointed on June 17, 2008, to the **Board of Tourism**, effective July 1, 2008, and shall continue until June 30, 2012.

Lois Gotheridge, Martin, was appointed on June 17, 2007, to the **Family Support Council**, to replace Charles Gotheridge, effective July 1, 2008, and shall continue until June 30, 2011.

Alex Gourneau, Lower Brule, was appointed on June 17, 2008, to the **Independent Living Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Debra Graff, Sioux Falls, was reappointed on June 17, 2008, to the **Family Support Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Michelle Greseth, Sisseton, was reappointed on June 17, 2008, to the **Family Support Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Robert Kean, Pierre, was appointed on June 17, 2008, to the **Board of Service to the Blind and Visually Impaired**, to replace Kyle Kircher, effective July 1, 2008, and shall continue until June 30, 2011.

Janine Kern, Rapid City, was reappointed on June 17, 2008, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2008, and shall continue until June 30, 2010.

Brad Konechne, Kimball, was appointed on June 17, 2008, to the **Independent Living Council**, to replace Betsy Valnes, effective July 1, 2008, and shall continue until June 30, 2011.

Kris Kratovil, Martin, was reappointed on June 17, 2008, to the **Family Support Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Gene LeBrun, Rapid City, was reappointed on June 17, 2008, to the **South Dakota Health and Educational Facilities Authority**, effective July 1, 2008, and shall continue until June 30, 2013.

Stacey Mancuso, Pierre, was reappointed on June 17, 2008, to the **Family Support Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Julie K. Meintsma, Pierre, was reappointed on June 17, 2008, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2008, and shall continue until June 30, 2010.

Sylvia B. Mikkelsen, Gregory, was reappointed on June 17, 2008, to the **Drug and Alcohol Abuse Advisory Council**, effective July 1, 2008, and shall continue until June 30, 2010.

Kelly Newman, Baltic, was reappointed on June 17, 2008, to the **Family Support Council**, effective July 1, 2008, and shall continue until June 30, 2011.

Jim Schade, Volga, was reappointed on June 17, 2008, to the **Board of Tourism**, effective July 1, 2008, and shall continue until June 30, 2012.

Norbert Sebade, Wall, was reappointed on June 17, 2008, to the **South Dakota Health and Educational Facilities Authority**, effective July 1, 2008, and shall continue until June 30, 2013.

Jim Simbeck, Pierre, was appointed on June 17, 2008, to the **Independent Living Council**, to replace Mark Arneson, effective July 1, 2008, and shall continue until June 30, 2011.

Frank Smith, Gettysburg, was reappointed on June 17, 2008, to the **Board of Tourism**, effective July 1, 2008, and shall continue until June 30, 2012.

Rita Weber, Sioux Falls, was reappointed on June 17, 2008, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2008, and shall continue until June 30, 2011.

Larry Wheeting, Groton, was reappointed on June 17, 2008, to the **Board of Service to the Blind and Visually Impaired**, effective July 1, 2008, and shall continue until June 30, 2011.

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

6-26-2008	Transportation	Amend a speed zone in Meade County on SD Highway 34 through and to the east of the City of Sturgis to reduce speed limits for traffic along the area of the high school where there are heavy traffic volumes entering and exiting the highway; 34 SDR 315.
6-26-2008	Social Services: Medical Services	Amend optometric services and supplies rules to define the term "amblyopia"; delete the term "keratoconus"; move the list of covered services, the associated procedure codes, and the rates of reimbursement, to the Department's website; limit the replacement of contact lenses to two lenses a year for standard rigid gas permeable or standard annual replacement daily wear soft contact lenses; specify that patients fitted with planned replacement daily wear soft contact lenses must be provided with a year's supply of lenses at the initial fitting and specify that no other replacement lenses will be covered during that year; specify that covered items and services provided for children under the age of 21 are not subject to established limits providing the items or services are medically necessary; expand the list of non-covered services to include extended wear or daily disposable contact lenses and LASIK surgery; establish a mechanism for providers to request a review of a rate for possible adjustment or to request the inclusion or exclusion of a particular procedure code from the list; establish a co-pay for

		exams; allow for the electronic submission of claims; and repeal a rule that is no longer necessary; amend physician services rules to specify that a procedure code reported with a two-digit modifier of 23 (unusual anesthesia) is reimbursed at 100 percent of the fee established by the Department or 40 percent of the physician's usual and customary charge if the Department has not established a fee; specify that a procedure code reported with a two-digit modifier of 59 (distinct procedure) is reimbursed at 100 percent of the fee established by the Department or 30 percent of the physician's usual and customary charge if the Department has not established a fee; and specify that a procedure code reported with a two-digit modifier of 50 (bilateral procedure) is reimbursed at 40 percent of the physician's usual and customary charge if the Department has not established a fee for service; 34 SDR 315.
6-27-2008	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; 34 SDR 317.
7-1-2008	Revenue and Regulation: Division of Insurance	Amend a Medicare Supplement Insurance rule to prohibit duplication of coverage when Medicare Advantage coverage is replacing Medicare supplement coverage or when being replaced by Medicare supplement coverage; and adopt Discretionary Clause rules to prohibit discretionary clauses in health insurance policies; 34 SDR 309.
7-2-2008	Corrections: Board of Pardons and Paroles	Amend rules to clarify and modernize operational procedures and reflect current case law; 34 SDR 309.
7-2-2008	Environment and Natural Resources: Water Management Board	Amend Ground Quality rules to require secondary containment and leak monitoring for new and replacement tank systems located within 1,000 feet of an existing community water system or any potable drinking water

		well, require department approved training for owners and operators of regulated tank systems and make it illegal for non-compliant tank systems to receive delivery of regulated substances; 34 SDR 316.
7-8-2008	Social Services: Child Support	Repeal obsolete rules and amend rules for a household receiving assistance from the Department, change the assignment of support rights to apply only to those months the recipient actually receives assistance; when distributing amounts of child support collected for a household currently receiving assistance, specify that the Department shall retain the amount of unpaid support obligation accrued under an assignment or the amount necessary to reimburse the Department for the cumulative amount of unreimbursed assistance paid to a family, whichever is less; if the amount collected through an Internal Revenue Services (IRS) tax refund offset is based on a joint return, allow the Department to delay distribution of amounts collected until the Department is notified that the unobligated spouse's share of the refund has been paid or up to six months from the date the offset was paid to the Department, whichever is earlier; specify that if the amount collected exceeds the amount of the unpaid support obligation, the Department shall refund the excess to the absent parent or to the parties filing a joint return within 45 days after it is collected; and eliminate the threshold amount for notifying the federal government of delinquent support obligations for purposes of denying, revoking, or limiting passports; 34 SDR 321.
7-9-2008	Labor: Plumbing Commission	Amend plumbing installation practices as they relate to the Uniform Plumbing Code and to adopt rules for continuing educational requirements; 34 SDR 315.
7-10-2008	Game, Fish and Parks	Amend East River Deer Hunting Season rules to establish season dates, requirements and restrictions, open areas, shooting hours, and number of licenses/tags available which will include offering 1,855 less one-tag licenses and 65 less two-tag licenses (3% decrease of 1,985 tags) than were authorized in 2007; and remove Brown County from the "super unit" in north-central South Dakota; amend Antelope

		<p>Hunting Season and License Forms and Fees rules to establish season dates, requirements and restrictions, open areas, shooting hours, and number of resident and nonresident licenses/tags available which will include offering residents 485 less one-tag licenses, 6,415 less two-tag licenses, and 9,150 more 3-tag licenses, and nonresidents 41 less one-tag licenses, 508 less two-tag licenses, and 732 more 3-tag licenses, than were authorized in 2007; create a new license that would be valid for "any antelope and two doe/fawn antelope" at a cost of \$40 for residents and \$240 for nonresidents; create a new license that would be valid for "three doe/fawn antelope" at a cost of \$20 for residents and \$75 for nonresidents; provide that unfilled "doe/fawn antelope" tags from Units 15, 35, 49 and 53 can be used anywhere in this 4-unit area during the West River Deer Season; provide that unfilled "any antelope" tags from Units 15, 35, 49 and 53 would convert to "doe/fawn antelope" tags and can be used anywhere in this 4-unit area during the West River Deer Season; combine Bennett and Shannon Counties into one unit; combine Units 27A and 27B (Fall River County) to make one Unit 27A but retain the split season; and establish a split season for Units 20A (Corson County) and 24A (Dewey County); amend National Wildlife Refuge Deer Hunting Season rules to establish season dates, requirements and restrictions, open areas, shooting hours, and establish the number of resident and nonresident licenses/tags available which will include elimination of 275 resident and 25 nonresident "any deer" licenses and instead offer 275 resident and 25 nonresident "any deer plus any antlerless deer" licenses on Sand Lake National Wildlife Refuge; elimination of 20 resident and 2 nonresident 2-tag "any deer plus any antlerless deer" licenses and instead offer 20 resident and 2 nonresident "any deer" licenses on Waubay National Wildlife Refuge; and change the length of the third Waubay National Refuge season from 21 to 14 days; amend Youth Waterfowl Hunting Season rules to establish season dates, requirements and restrictions,</p>
--	--	---

		<p>shooting hours, open area, bag and possession limits; and adjust the age requirement to allow youth who have not reached the age of 16 by the first day of the season to participate in the youth waterfowl season; amend Early Fall Canada Goose Hunting Season rules to establish season dates, requirements and restrictions, shooting hours, open area, bag and possession limits; modify season dates to begin on the Saturday closest to September 7 (i.e., September 6, 2008) and run until the Friday before the last Saturday of September; and include Perkins County in the area closed for early Canada Goose hunting; adopt Mentored Youth Hunting and amend Application for License and Licensee Forms Fees to establish the framework for mentored youth hunting in South Dakota, including season dates for Youth Deer, Antelope (Rifle and Archery), Fall Turkey, Spring Turkey, Small Game, and Migratory Game Bird Seasons; open areas, required licenses, daily bag and possession limits; and include the following requirements and restrictions: allow a resident parent and/or guardian to purchase no more than one (1) mentor deer license (antlerless), one (1) mentor antelope license (doe/fawn), one (1) mentor fall turkey license "any turkey," and one (1) mentor spring turkey license "one male" for a designated mentored youth at the cost of \$5 per license; mentored youth must be at least 10 and younger than 16 years of age; mentored hunter must be accompanied by an unarmed parent, guardian, or designated mentor (except those persons carrying a pistol and possessing a valid concealed pistol permit as provided in SDCL chapter 23-7) and within immediate physical control and supervision; an adult mentor must have written permission from the parent or guardian to serve as a "mentor;" an adult mentor can not accompany more than one mentored child at any given time; a hunting party which includes a mentored youth can not exceed six (6) total persons; the adult mentor must be a resident, have successfully completed a hunter safety or hunter education course, and be at least 18 years of age; for each season and associated units, all applicable</p>
--	--	--

		restrictions apply; mentor hunts involving migratory game birds will require the adult mentor to possess all required licenses and certifications for that specific season; for Upland and Migratory hunting, the combined take (daily limit) is not to exceed the limit authorized for the mentor license, as well as the possession limit not to exceed the limit authorized for the adult mentor; youth participating in a "Mentored Hunt" would be ineligible to obtain a regular season license for that specific season (i.e., Youth Deer, Archery and Rifle Antelope, Fall Turkey, Spring Turkey); 34 SDR 331.
7-14-2008	Public Utilities Commission	amend Public Warehouses rules to repeal bond requirements for a public storage warehouse licensee; delete the requirement for a South Dakota resident agent to sign the grain warehouse bond and change the reference from "dealer's" to "buyer's"; delete the requirement for a resident agent signature on a rider or additional bond; delete a reference being repealed; add the word "grain" before "warehouse licensee"; add references to open storage scale ticket holders and grain bank depositors when a license is revoked, suspended or ownership is transferred; delete requirements regarding the ordering of additional warehouse receipts; require information on a scale ticket as to the disposition of the grain and remove the requirement that scale tickets be converted to a uniform warehouse receipt, cash, check, or other grain purchase contract within 30 days; allow a temporary public grain storage unit to have a fly ash base, delete the requirement that the base must be at least one foot above the terrain, modify the requirement regarding air flow, add a requirement that an operator must notify the Commission prior to storing grain in a new storage unit, and provide flexibility regarding the inspection of new temporary storage; adopt a new rule that allows a warehouse operator to request a waiver of a rule; amend Grain Dealers rules to change all references to "dealers" to "buyers" and delete the requirement to obtain the signature of a South Dakota resident agent; delete the

		requirement that the voluntary credit sale contract contain the date of delivery of the grain; change the requirements for class A and class B licenses and the conditions under which the Commission may require a second financial statement; require a grain buyer to post information regarding its license and how to contact the Commission; allow a grain buyer to request a waiver of a rule; amend Assessment of Fees for Intrastate Gas Pipeline Operators rules to change the assessment of charges on pipeline operators from quarterly to annually; 34 SDR 329.
7-17-2008	Secretary of State: Election Board	Amend rules to amend the voter registration form to include the change for the maximum penalty for perjury; amend the address for where the voter registration address verification notice is sent; amend the municipal notice of special election to include wording for a county to use as their notice of special election; amend the personal identification affidavit to include the change for the maximum penalty for perjury; add shaded boxes for the instructions to voters on the general election ballot; add the optical scan ballot format to the primary ballot layout; amend the guidelines for acceptance of petitions to remove the date requirement which is clarified in another rule; amend the requirements for counting signatures on petitions to prohibit more than one circulator on a petition sheet; amend the declaration on the partisan nominating petition to include county commissioner under the residency requirement; amend the declaration on the independent nominating petition to include county commissioner under the residency requirement; amend the water development district director nominating petition to include the term length the candidate is running for; amend the nominating petition for road or sanitary district trustee to the nominating petition for special district trustee; amend the requirement of paper seals on the ballot box; repeal the Presidential primary ballot format; add petition format for consumers power district director; and add an oath of recount board; 34 SDR 329.

7-29-2008	Public Safety: Office of Weights and Measures	Amend rules to adopt the 2005 editions of the National Institute of Standards and Technology (NIST) handbooks 44, 133 and 130; to modify the fee structure for conducting heavy scales inspections, retail device inspections, and calibrations in the State metrology laboratory; and to adopt the 2005 Annual Book of the American Society for Testing and Materials Standards for petroleum quality; 34 SDR 316.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Update the state's existing hazardous waste rules by incorporating updated federal regulations by reference. These updates reflect changes made to the federal hazardous waste rules from July 1, 2006 through June 30, 2007. Changes include establishing a standardized permit for hazardous waste storage facilities; and a variety of corrections that encompass printing omissions, typographical errors, misspellings and erroneous or missing citations and references throughout the rules; 34 SDR 278.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 19, 2008, in LCR 1 and 2, Third Floor, of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2008 interim: September 23, 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>.

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 34 are \$25. 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.aspx>).