

# REGISTER

*South Dakota Legislative Research Council*



*Volume 35*

*Monday, 8:00 a.m., July 7, 2008*

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**NOTICES OF PROPOSED RULES:** (None)

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

**Executive Appointments:**

**Kathleen Hassebrook**, Aberdeen, was reappointed on June 23, 2008, to the **Board of Vocational Rehabilitation**, effective July 1, 2008, and shall continue until June 30, 2011.

**Mel Harrington**, Sioux Falls, was reappointed on June 23, 2008, to the **Board of Social Work Examiners**, effective July 1, 2008, and shall continue until June 30, 2011.

**Joe Rehurek**, Yankton, was appointed on June 23, 2008, to the **Board of Vocational Rehabilitation**, to replace Ron Ronshaugen, effective July 1, 2008, and shall continue until June 30, 2011.

**Elaine Roberts**, Sioux Falls, was reappointed on June 23, 2008, to the **Board of Vocational Rehabilitation**, effective July 1, 2008, and shall continue until June 30, 2011.

**Linda Bunkers**, Dell Rapids, was reappointed on June 24, 2008, to the **South Dakota Board of Nursing**, effective July 1, 2008, and shall continue until June 30, 2011.

**Craig Eschenbaum**, Aberdeen, was appointed on June 24, 2008, to the **Board of Vocational Rehabilitation**, to replace Shelly Schock, effective July 1, 2008, and shall continue until June 30, 2011.

**Robert Kean**, Pierre, was appointed on June 24, 2008, to the **Board of Vocational Rehabilitation**, to replace Brady Kerkman, effective July 1, 2008, and shall continue until June 30, 2011.

**Cindy Koupal**, Pierre, was appointed on June 24, 2008, to the **Board of Vocational Rehabilitation**, to replace Dr. Jessie Easton, effective July 1, 2008, and shall continue until June 30, 2011.

**Patricia Wagner**, Sioux Falls, was reappointed on June 24, 2008, to the **South Dakota Board of Nursing**, effective July 1, 2008, and shall continue until June 30, 2011.

**Melanie J. Satchell**, Rapid City, was appointed on June 26, 2008, to the **State Board of Regents**, to replace Tonnis Venhuizen, effective July 1, 2008, and shall continue until June 30, 2010.

**June Larson**, Vermillion, was reappointed on June 27, 2008, to the **South Dakota Board of Nursing**, effective July 1, 2008, and shall continue until June 30, 2011.

**Ronald Thyen**, Hayti, was reappointed on June 27, 2008, to the **South Dakota Weed and Pest Control Commission**, effective July 1, 2008, and shall continue until June 30, 2011.

**David Glissendorf**, White Lake, was appointed on June 30, 2008, to the **South Dakota Weed and Pest Control Commission**, to replace Donald C. Williams, effective July 1, 2008, and shall continue until June 30, 2011.

**James Hayes**, Hot Springs, was appointed on June 30, 2008, to the **Board of Vocational Rehabilitation**, to replace Thomas Kober, effective July 1, 2008, and shall continue until June 30, 2011.

**Sally Johnson**, Spearfish, was appointed on June 30, 2008, to the **Board of Social Work Examiners**, to replace Bill Costner, effective July 1, 2008, and shall continue until June 30, 2011.

**Dan Rounds**, Pierre, was reappointed on June 30, 2008, to the **Board of Vocational Rehabilitation**, effective July 1, 2008, and shall continue until June 30, 2011.

**Holly Brunick**, Sioux Falls, was reappointed on July 2, 2008, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until June 30, 2011.

**Royce R. Loesch**, Pierre, was reappointed on July 2, 2008, to the **Board of Barber Examiners**, effective immediately and shall continue until June 30, 2011.

**Billy Markwed**, Midland, was reappointed on July 2, 2008, to the **Animal Industry Board**, effective immediately and shall continue until June 30, 2012.

**John E. Peterson**, Aberdeen, was reappointed on July 2, 2008, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until June 30, 2011.

**Greg Riley**, Rapid City, was reappointed on July 2, 2008, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2011.

**Elaine Roberts**, Sioux Falls, was reappointed on July 2, 2008, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2011.

**Julie Williams**, Chamberlain, was reappointed on July 2, 2008, to the **Animal Industry Board**, effective immediately and shall continue until June 30, 2012.

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**

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| 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 |
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|                  |                                   | <p>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.</p>   |
| <p>7-9-2008</p>  | <p>Labor: Plumbing Commission</p> | <p>Amend plumbing installation practices as they relate to the Uniform Plumbing Code and to adopt rules for continuing educational requirements; 34 SDR 315.</p>   |
| <p>7-10-2008</p> | <p>Game, Fish and Parks</p>       | <p>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</p> |

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|  | <p>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</p> |
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|           |                             | <p>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); 34 SDR 331.</p> |
| 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   |

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|           |                                    | <p>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.</p> |
| 7-17-2008 | Secretary of State: Election Board | <p>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</p>   |

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|           |   | <p>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.</p> |
| 7-21-2008 | Education: Board of Education                 | <p>Amend a Career and Technical Education rule to utilize a better and consistent accountability system for the South Dakota Technical Institutes; amend Early Intervention Program rules to provide clarity on the Birth to Three Program, eligibility changes and the posting of rate changes on the South Dakota Department of Education website; and amend Accreditation and School Improvement rules to require that all non-certified administrators will need to have a "plan of intent" on file indicating their intention to become properly certified within three years of their date of hire; 34 SDR 343.</p>   |
| 7-29-2008 | Public Safety: Office of Weights and Measures | <p>Amend rules to adopt the 2005 editions of the National Institute of Standards and Technology (NIST) handbooks 44, 133 and 130; to modify</p>   |

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|           |   | 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.   |
| 7-30-2008 | Social Services: Economic Assistance                                    | Amend Low Income Energy Assistance Program (LIEAP) rules to reduce the amount payable under LIEAP when a household's rent includes the cost of heat; allow the Department to make adjustments to a household's LIEAP benefit amount until the benefit is paid; and extend the time during which a utility company can use meter readings for energy supplied to households eligible for LIEAP assistance; amend an Emergency Crisis Intervention Program (ECIP) rule to extend the deadline for applying for funds under ECIP; 34 SDR 343. |
| 9-18-2008 | Environment and Natural Resources:<br>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>.