

# REGISTER



*South Dakota Legislative Research Council*

*Volume 30*

*Monday, 8:00 a.m., May 10, 2004*

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

**DECLARATORY RULINGS:**

The **South Dakota Commission on Gaming** has filed a Declaratory Ruling with the Legislative Research Council. In the Matter of Full House Inc., 688 Main Street - The Commission determined that the property located at 688 Main Street, Deadwood, South Dakota, is two separate and distinct buildings for the purpose of determining the number of gaming devices that may be placed in the structure. The ruling is dated April 14, 2004.

The **South Dakota Banking Commission** has filed a Declaratory Ruling with the Legislative Research Council. In the Matter of the Petition of the H-D Electric Cooperative Inc., Clear Lake, South Dakota - The Commission was asked to determine if the receipt and return of security deposits is the business of banking. The Commission determined that an electric cooperative's receipt of a security deposit to ensure payment of a customer's monthly bill and the later return of that deposit with interest after the customer establishes a timely payment history does not constitute the business of banking. The ruling is dated April 20, 2004.

The Declaratory Rulings may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

**NOTICE:** The **South Dakota Lottery** is ending instant ticket game numbers 169 - Bullseye Bingo and 179 - Quick Cash. The last day that prizes will be paid for these games is October 30, 2004.

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

**DEPARTMENT OF EDUCATION: SOUTH DAKOTA BOARD OF EDUCATION:**

24:06:07:02 to 24:06:07:04, inclusive,  
24:06:07:06; 24:06:08:01 to 24:06:08:04,  
inclusive; 24:16:09:01 to 24:16:09:05, inclusive;  
24:16:10:06; 24:42:01 to 24:42:11, inclusive.

History-Notice: 30 SDR 135, March 1, 2004  
Hearing: March 15, 2004  
Filed: April 30, 2004  
Effective: May 20, 2004

**DEPARTMENT OF EDUCATION:**

24:40:12:01 to 24:40:12:05, inclusive.

History-Notice: 30 SDR 118, January 26, 2004  
Hearing: February 25, 2004  
Filed: May 3, 2004  
Effective: May 23, 2004

**Executive Appointments:**

**Charles Gotheridge**, Martin, was appointed on April 29, 2004, to the **Family Support Council**, to replace Nina Fromm, effective immediately and shall continue until July 1, 2005.

**Terry Baloun**, Highmore, was appointed on April 29, 2004, to the **State Board of Regents**, to replace Rudolph Nef, effective immediately and shall continue until March 31, 2010.

The following were appointed on April 29, 2004, to the **Governor's Commission on the Indian Child Welfare Act**, effective immediately and shall continue until December 31, 2004:

**Mary Carole Curran**, Sioux Falls  
**Renee Eggebraaten**, Rapid City  
**Steven Emery**, White River  
**Deb Fischer-Clemens**, Sioux Falls  
**Doug Herrmann**, Custer  
**Ann Holzhauer**, Pierre  
**B. J. Jones**, Agency Village  
**Charlene Bell Kokesh**, Flandreau  
**Rose McKauley**, Lower Brule  
**Tracey Manywounds**, Ft. Yates, ND  
**Denise Murphy**, Rapid City  
**Ramona O'Connor**, Wagner  
**Sara Olson**, Pierre  
**Dave Valandra**, Ft. Thompson  
**Bob Walters**, Eagle Butte  
**Cordelia White Elk**, Kyle  
**Bill Whitelance**, Custer  
**Virginia Wieseler**, Pierre

**Executive Order:**

The Governor has signed **Executive Order 2004-07** dated April 30, 2004. The order creates the Advisory Council for Spinal Cord/Traumatic Brain Injury Research. The council has an initial membership of seven appointees and others may be added as deemed necessary. The Council will operate through the USD School of Medicine to obtain federal grants, private donations, and other funds to fund research projects and rehabilitation services. The council will end on January 1, 2008, unless continued by another executive order.

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 Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

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| 5-11-2004 | Labor: Division of Labor and Management        | Updated the Workers' Compensation fee schedule; 30 SDR 152.   |
| 5-11-2004 | Agriculture: Division of Agricultural Services | Update rules to meet the 2003 Pasteurized Milk Ordinance; 30 SDR 156.   |
| 5-11-2004 | Agriculture: Division of Agricultural Services | Update manufacturing grade rules pertaining to the production of milk and milk products; 30 SDR 157.  |
| 5-11-2004 | Agriculture: Division of Agricultural Services | Update rules regarding the quarantine against Karnal bunt, a wheat disease; 30 SDR 157.   |
| 5-11-2004 | Agriculture: Division of Agricultural Services | Update the noxious weed list; 30 SDR 157.   |
| 5-13-2004 | Board of Regents                               | Adopt rules to implement the South Dakota Opportunity Scholarship program; 30 SDR 165.  |
| 5-17-2004 | Social Services: Economic Assistance           | Amend rules to increase the payment standards for TANF households and reduce the maximum period of ineligibility when an applicant refuses to accept employment or additional hours of employment, terminates employment, or reduces hours of employment without good cause within the 60 days preceding the date of application; 30 SDR 170. |

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| 5-17-2004 | Education: Board of Education   | Amend rules to give the department the authority to grant endorsement level approval, rather than individual universities; allow students with a previous content specific major to take additional coursework in pedagogy to complete their education degrees and pass a content exam to verify their content knowledge; revise the rules so they are content standards based and allow preparing institutions the flexibility to vary their courses to meet the content standards; and allow principals to obtain preschool-12 certification.; 30 SDR 170. |
| 5-18-2004 | Secretary of State: Board of Finance                                    | Amend rules to make the reimbursement rate for motor vehicle transportation the same for an automobile, motorcycle, pick-up truck, cargo or passenger van, or sport utility vehicle and to increase the reimbursement rates allowed for State of South Dakota employee and officer use of privately-owned motor vehicles while on official business outside the city limits of the person's designated post of duty; 30 SDR 177.   |
| 5-27-2004 | Transportation  | Extend a 30 mph speed zone in Marshall County to reduce speeds along State Highway 27 at the south edge of Britton; 30 SDR 177.  |
| 6-17-2004 | Environment and Natural Resources:<br>Board of Minerals and Environment | Amend rules to update existing hazardous waste rules by incorporating the federal rules by reference. This includes changes that have been made to the federal hazardous waste rules from July 1, 2002, to June 30, 2003. Changes to the rules include: establishing criteria for the use of certain materials in the production of zinc fertilizers, the establishment of treatment standards prior to disposing of certain metal-containing wastes, and the correction of technical errors in previously promulgated rules; 30 SDR 169.                    |

### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Tuesday, May 18, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: June 3, August 3, and October 15.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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 30 are \$20. 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.cfm>).