

# REGISTER



## South Dakota Legislative Research Council

Volume 34

Monday, 8:00 a.m., August 6, 2007

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

**Department of Transportation:** (August 2, 2007) is proposing to amend a speed zone in Charles Mix County on SD 45 to shorten the 20 mph speed limit and to change the existing 35 mph speed limit to 30 mph within the town of Platte. The general authority for this rule, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in Room 412 of the Capitol Building, 500 E. Capitol Avenue in Pierre, South Dakota, on August 23, 2007, at 9:05 a.m. CDST. Copies of the proposed rule may be obtained without charge from and written comments sent to the Secretary of Transportation, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Material sent by mail must reach the department prior to the hearing 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) 773-3540 or 1-800-877-1113 (Telecommunication Device for the Deaf).

**Department of Social Services: Division of Economic Assistance:** (August 2, 2007) intends to amend rules relating to the Temporary Assistance for Needy Families (TANF) Program that will increase the TANF payment standard for a child not living with a parent and not placed by a child placement agency and increase the TANF payment standard for an assistance unit that includes a parent. The general authority for these rules, as cited by the department, is SDCL 28-7A-3.

A public hearing will be held in the Department of Social Service's Conference Room, First Floor, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota, on August 24, 2007, at 9:15 a.m. Copies of the proposed rules may be obtained from and written comments sent to Jill Wellhouse, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Wellhouse may be contacted by telephone at (605) 773-3305. Written comments must be received by September 4, 2007, to be considered. Individuals intending to present oral testimony at the hearing must make a written copy of their testimony available to the department at the time of the hearing. The testimony must relate directly to the changes being proposed and must cite the specific rule number to which the comments are being directed. 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) 773-3305 at least 48 hours before the hearing.

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

**DEPARTMENT OF GAME, FISH AND PARKS:** 41:04:04:07; 41:06:21:02, 41:06:23:02, 41:06:23:03; 41:06:36:02, 41:06:36:02.01, 41:06:36:02.02; 41:06:49:01; 41:06:50:02, 41:06:50:04; 41:09:01:05, 41:09:01:05.01; 41:09:01:10

History-Notice: 33 SDR 235, June 25, 2007  
Hearing: July 12, 2007

Filed: August 2, 2007  
Effective: August 22, 2007

July 26, 2007, and shall continue until June 30, 2010.

### **Executive Appointments:**

**Rodney W. Fouberg**, was reappointed on July 25, 2007, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until June 30, 2011.

**Dennis Hagny**, Aberdeen, was reappointed on July 25, 2007, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until June 30, 2011.

**Kae McNeil**, Aberdeen, was reappointed on July 25, 2007, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until June 30, 2011.

**Arlene Ham-Burr**, Rapid City, was reappointed on July 27, 2007, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2011.

**Bernie Hunhoff**, Yankton, was reappointed on July 27, 2007, to the **Commission on Human Rights**, effective immediately and shall continue until June 30, 2011.

**Jim Benham**, Pierre, was reappointed on August 1, 2007, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2010.

**Roland Benson**, Ft. Pierre, was reappointed on August 1, 2007, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2010.

**Susan Bonomo**, Rapid City, was appointed on August 1, 2007, to the **State Board of Funeral Service**, to replace Marlowe Kinkade, effective

**Todd Christensen**, Rapid City, was reappointed on August 1, 2007, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2010.

**Cal Geis**, Belle Fourche, was reappointed on August 1, 2007, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2010.

**Peggy Hargens**, Wessington Springs, was appointed on August 1, 2007, to the **South Dakota Advisory Council for Children With Disabilities**, to replace Connie McClintock, effective July 27, 2007, and shall continue until June 30, 2009.

**Gerrit L. Juffer**, Wagner, was reappointed on August 1, 2007, to the **South Dakota Economic Development Finance Authority Board of Directors**, effective immediately and shall continue until June 30, 2011.

**Mark Krogstrand**, Aberdeen, was reappointed on August 1, 2007, to the **South Dakota Advisory Council for Children With Disabilities**, effective immediately and shall continue until June 30, 2010.

**Warren Lotsberg**, Huron, was reappointed on August 1, 2007, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2010.

**Elaine Roberts**, Sioux Falls, was appointed on August 1, 2007, to the **South Dakota Advisory Council for Children With Disabilities**, to replace Lynn Boettcher Fjellanger, effective July 27, 2007, and shall continue until June 30, 2008.

**Shelley Stingley**, Sioux Falls, was reappointed on August 1, 2007, to the **South Dakota Workforce Development Council**, effective immediately and shall continue until June 30, 2010.

Copies of the agreements are on file with the Legislative Research Council and may be copied or reviewed during normal business hours.

**JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:**

The Office of Attorney General has entered into joint powers agreements with the Department of Human Services and the Unified Judicial System, and the following Sheriff’s Departments: Beadle, Bon Homme, Brookings, Brown, Charles Mix, Clark, Clay, Codington, Custer, Deuel, Douglas, Edmunds, Faulk, Grant, Hyde, Lincoln, Marshall, McCook, Turner and Yankton regarding the 24/7 Sobriety Program.

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**

8-9-2007	Game, Fish and Parks	Adopt a definition for “preference point;” amend Duck Hunting Season rules to establish season dates, daily bag and possession limits for duck, coot and merganser; change the opening dates for the Low Plains North and Middle Zones from September 22 (Saturday closest to September 24) to September 29 (last Saturday of September); and change the opening date for the Low Plains South Zone from October 6 (Saturday closest to October 8) to October 13 (second Saturday of October) (Note – the proposed season dates are subject to being modified following receipt of public comment at the hearing.); amend Goose Hunting Season rules to establish season dates, daily bag and possession limits for Canada geese, light geese and white-fronted geese; merge the eight-county Canada goose unit in northeastern South Dakota (formerly Unit 3) with Unit 1; set the Canada goose season in Unit 1 to run for 86 days beginning on September 29 (last Saturday of September); change the light goose and white-fronted goose season opening dates from September 22 (Saturday closest to September 24) to September 29 (last Saturday of September) and
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		<p>change the season length from 85 to 86 days; and remove the Canada goose bag limit reduction (3 to 2) for portions of Grant and Roberts counties that was scheduled to take effect on December 1 (Note – the proposed season dates are subject to being modified following receipt of public comment at the hearing.); amend Furbearer Seasons and License Forms and Fees rules to create a nonresident furbearer license and set the license fee at \$250.00; establish season dates, requirements and restrictions, including prohibiting nonresidents from taking mink, weasel, muskrat, beaver and raccoon until the 1<sup>st</sup> Saturday of December, prohibiting nonresidents from taking bobcats until the 2<sup>nd</sup> Saturday of January, and prohibiting nonresidents from using dogs to aid in the taking of raccoons (Note – the proposed season dates are subject to being modified following receipt of public comment at the hearing.); and amend Falconry Regulations (Nonresident permits) to establish a nonresident raptor collecting permit which allows nonresident falconers to take wild raptors for falconry purposes in South Dakota and set the fee for the permit at \$200.00. Resident and nonresident raptor collecting permittees would be allowed to take passage raptors (immature raptors in their first year plumage), adult American kestrels and adult great horned owls for falconry purposes with trapping of passage raptors permitted only between September 21 and January 31. Only resident general or master falconry permittees would be allowed to take eyas (young, flightless birds) from a nest or aerie but must leave at least one eyas in the nest or aerie. Eyas may be taken only between May 25 and July 10. Nonresidents taking passage gyrfalcons would be required to have the falcon banded in accordance with their home state’s falconry regulations. (Note – the proposed season dates are subject to being modified following receipt of public comment at the hearing.); 34 SDR 32.</p>
<p>8-13-2007</p>	<p>Transportation</p>	<p>Repeal those provisions of ARSD 70:08:01:03, the enforcement of which was permanently enjoined in Dakota, Minn. &amp; Eastern R.R.</p>

		Corp. v. South Dakota, 236 F. Supp. 2d 989; to specify the information to be included in an application for authority to exercise eminent domain pursuant to SDCL 49-16A-75; and to provide for retroactive effect so as to apply to any administrative proceeding under SDCL 49-16A-75 commenced on or before the effective date of the rule as amended; and repeal those provisions of the ARSD 70:08:01:04, the enforcement of which was permanently enjoined in Dakota, Minn. & Eastern R.R. Corp. v. South Dakota, 236 F. Supp. 2d 989; to adopt a procedure for administering applications for authority to exercise the right of eminent domain pursuant to SDCL 49-16A-75; and to provide for retroactive effect so as to apply to any administrative proceeding under SDCL 49-16A-75 commenced and pending before the effective date of the rule as amended; 34 SDR 31.
8-22-2007	Health	Amend the Children's Special Health Services (CSHS) program rules to include travel reimbursement as a coverable service; provide additional clarification on claims submission; and have consistency with due process procedures; 34 SDR 41.
8-23-2007	Health: Funeral Services Board	Amend rules to accurately reflect the address at which the funeral board may be contacted; to raise the application fee for a funeral establishment license from \$100 to \$200; to raise the renewal fee for a funeral establishment license from \$100 to \$200; to change the application fee for a funeral service license from \$50 to \$100; and to raise the annual renewal fee for a funeral service license from \$50 to \$100; 34 SDR 31.
8-23-2007	Transportation	Amend a speed zone in Charles Mix County on SD 45 to shorten the 20 mph speed limit and to change the existing 35 mph speed limit to 30 mph within the town of Platte; 34 SDR 49.
8-24-2007	Human Services: Board of Social Work Examiners	Amend rules to increase fees for application for a biennial license of Certified Social Worker/Private Independent Practice from \$160 to \$210, for Certified Social Worker from \$130 to \$170, for Social Worker from \$100 to \$130, and for Social Work associate

		from \$70 to \$90; increase fees for endorsement application for a license for Certified Social Worker/Private Independent Practice from \$160 to \$210, for Certified Social Worker from \$130 to \$170, for Social Worker from \$100 to \$130, and for Social Work associate from \$70 to \$90; and increase fees for biennial renewal of a license for Certified Social Worker/Private Independent Practice from \$160 to \$210, for Certified Social Worker from \$130 to \$170, for Social Worker from \$100 to \$130, and for Social Work associate from \$70 to \$90; 34 SDR 41.
8-24-2007	Social Services: Division of Economic Assistance	Amend rules relating to the Temporary Assistance for Needy Families (TANF) Program that will increase the TANF payment standard for a child not living with a parent and not placed by a child placement agency and increase the TANF payment standard for an assistance unit that includes a parent; 34 SDR 49.

### RULES REVIEW COMMITTEE MEETINGS

The next regular meeting of the Interim Rules Review Committee will be held Tuesday, August 21, 2007, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2007 interim: September 27, December 4, and January 7, 2008.

**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.