

# REGISTER

*South Dakota Legislative Research Council*



*Volume 35*

*Monday, 8:00 a.m., August 11, 2008*

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

***Department of Agriculture: South Dakota Value Added Finance Authority:*** (August 6, 2008) intends to amend rules to increase the bond amount for the Beginning Farmer Bond Program to purchase agricultural land and make minor changes to comply with the Federal IRS rules that govern this program. The general authority for these rules, as cited by the department, is SDCL 1-16E-24.

A public hearing will be held at the Ramada Inn & Suites, 1525 W. Havens Avenue, Oleander Room, Mitchell, South Dakota, on August 28, 2008, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Value Added Finance Authority, 523 E. Capitol Avenue, Pierre, South Dakota 57501. Material sent by mail must reach the department by August 25, 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) 773-5436 at least 48 hours before the hearing.

***Department of Tourism and State Development: State Historical Society:*** (August 8, 2008) intends to amend rules to set standard fees for photocopying, microfilm, digitization services, and electronic document delivery services; increase fees for private use of the museum facility; and clarify that applicants for the State Property Tax Moratorium are required to submit a new application each year they undertake

rehabilitation work. The general authority for these rules, as cited by the department, is SDCL 1-18-31.2, 1-19A-5, 1-19A-29, and 1-20-21.1.

A public hearing will be held at 9:00 a.m. (CST) on September 5, 2008, at the Cultural Heritage Center, 900 Governors Drive, Pierre, South Dakota. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Historical Society, 900 Governors Drive, Pierre, South Dakota 57501-2217. Written comments must be received by September 5, 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) 773-3458 at least 48 hours before the hearing.

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

### **Executive Appointments:**

**Steve Lindquist**, Sioux Falls, was reappointed on July 30, 2008, to the **South Dakota Commission on Health Care**, effective immediately and shall continue until June 30, 2011.

**Clint Perman**, Selby, was appointed on July 30, 2008, to the **South Dakota Commission on Health Care**, to replace Marilyn Seymour, effective July 25, 2008, and shall continue until June 30, 2011.

**Carol J. Peterson**, Brookings, was reappointed on July 30, 2008, to the **South Dakota Commission on Health Care**, effective immediately and shall continue until June 30, 2011.

**Charlene Red Thunder**, Aberdeen, was appointed on July 30, 2008, to the **South Dakota Commission on Health Care**, to replace Robin Lee, effective July 28, 2008, and shall continue until June 30, 2011.

**Jim Reynolds**, Sioux Falls, was reappointed on July 30, 2008, to the **South Dakota Commission on Health Care**, effective immediately and shall continue until June 30, 2011.

**Jim Szana**, Pierre, was reappointed on July 30, 2008, to the **South Dakota Commission on Health Care**, effective immediately and shall continue until June 30, 2011.

**Dana Darger**, Rapid City, was reappointed on July 31, 2008, to the **South Dakota Commission on Health Care**, effective immediately and shall continue until June 30, 2011.

**Molly Sandvig**, Sioux Falls, was reappointed on July 31, 2008, to the **South Dakota Commission on Health Care**, effective immediately and shall continue until June 30, 2011.

**Cindi Slack**, Sioux Falls, was appointed on July 31, 2008, to the **South Dakota Commission on Health Care**, to replace Bill Nelson, effective July 30, 2008, and shall continue until June 30, 2011.

**Patty Mesmer**, Aberdeen, was reappointed on August 1, 2008, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until June 30, 2012.

**Cynthia Walsh**, Aberdeen, was reappointed on August 1, 2008, to the **Education Assistance Corporation Board of Directors**, effective immediately and shall continue until June 30, 2012.

**Paul Aylward**, Huron, was reappointed on August 4, 2008, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2011.

**Michael E. Ropp**, Brookings, was reappointed on August 4, 2008, to the **South Dakota Energy Infrastructure Authority**, effective immediately and shall continue until June 30, 2014.

**Patrick J. Burchill**, Rapid City, was reappointed on August 5, 2008, to the **South Dakota Development Corporation**, effective immediately and shall continue until May 17, 2011.

**Darell Decoteau**, Agency Village, was appointed on August 5, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, to replace Joanne Groves, effective August 4, 2008, and shall continue until June 30, 2010.

**Robert Fouberg**, Aberdeen, was reappointed on August 5, 2008, to the **South Dakota Development Corporation**, effective immediately and shall continue until May 17, 2011.

**Bennett L. Kyte**, Sioux Falls, was reappointed on August 5, 2008, to the **South Dakota Development Corporation**, effective immediately and shall continue until May 17, 2011.

**Paul G. Ness**, Aberdeen, was reappointed on August 5, 2008, to the **South Dakota Development Corporation**, effective immediately and shall continue until May 17, 2011.

**Douglas J. Sharp**, Watertown, was reappointed on August 5, 2008, to the **South Dakota Development Corporation**, effective immediately and shall continue until May 17, 2011.

**Guy Bender**, Brookings, was reappointed on August 6, 2008, to the **Workers' Compensation Advisory Council**, effective immediately and shall continue until June 30, 2011.

**Terry L. Crandall**, Yankton, was reappointed on August 6, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, effective immediately and shall continue until June 30, 2010.

**Kelly Duncan-Clark**, Dakota Dunes, was reappointed on August 6, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, effective immediately and shall continue until June 30, 2010.

**Judith E. Kroll**, Brookings, was reappointed on August 6, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, effective immediately and shall continue until June 30, 2010.

**Kevin Mutchelknaus**, Pierre, was reappointed on August 6, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, effective immediately and shall continue until June 30, 2010.

**Betty Ochsner**, Aberdeen, was reappointed on August 6, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, effective

immediately and shall continue until June 30, 2010.

**Sharon Schueler**, Sioux Falls, was reappointed on August 6, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, effective immediately and shall continue until June 30, 2010.

**Patricia Smith Peel**, Rapid City, was reappointed on August 6, 2008, to the **South Dakota Academic Achievement Test Advisory Council**, effective immediately and shall continue until June 30, 2010.

**Judicial Appointments:**

**Honorable Jeff Davis**, Rapid City, was appointed to the **Judicial Qualifications Commission**, effective immediately and shall continue until July 1, 2012.

**Honorable Lori Wilbur**, Pierre, was appointed to the **Judicial Qualifications Commission**, effective immediately and shall continue until July 1, 2009.

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**

8-28-2008	Agriculture: SD Value Added Finance Authority	Amend rules to increase the bond amount for the Beginning Farmer Bond Program to purchase agricultural land and make minor changes to comply with the Federal IRS rules that govern this program; 35 SDR 35.
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8-29-2008	Revenue and Regulation: Division of Insurance	Amend rules to require insurance companies to set policy reserves and nonforfeiture values for preneed insurance contracts based on the "Ultimate 1980 CSO" tables; 35 SDR 23.
9-3-2008	Labor: South Dakota Retirement System	Amend rules to clarify the due dates for employer contribution reports; to establish the contents of an expiration period for contracts to purchase credited service; to clarify a rule regarding qualified domestic relations orders; to provide for declaratory rulings pursuant to the Administrative Procedures Act; to establish the basis for computation of Supplemental Pension Benefits and to clarify participants' expectations related thereto; to allow contributions to the Supplemental Retirement Plan by employers and the System; to provide for operation of the Automatic Enrollment feature within the Supplemental Retirement Plan; and to amend continuing administrative law to bring it into conformity with federal law; 35 SDR 31.
9-5-2008	Tourism and State Development: State Historical Society	Amend rules to set standard fees for photocopying, microfilm, digitization services, and electronic document delivery services; increase fees for private use of the museum facility; and clarify that applicants for the State Property Tax Moratorium are required to submit a new application each year they undertake rehabilitation work; 35 SDR 35.
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.
9-18-2008	Environment and Natural Resources: Board of Minerals and Environment	Amend asbestos training and certification requirements and state approval rules to allow a longer timeframe for certified asbestos workers to renew required certification; to clarify notification and documentation requirements for asbestos training providers that seek accreditation for the training services;

		and to require annual training to take place in South Dakota and an annual approval for accredited asbestos training providers; 35 SDR 16.
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### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 19, 2008, in LCR 1, 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>.

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