REGISTER

South Dakota Legislative Research Council

Volume 34 *Monday, 8:00 a.m., August 13, 2007*

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

Department of Labor: Board of Technical Professions: (August 6, 2007) has filed rules to clarify, such as adding definitions, adding a new section for a business waiver, correcting mistakes, adding NCARB's "Broadly Experienced Architect", adding NCEES policy section, request for disabled examinees to make accommodations from exam vendors, and late renewals are to submit reinstatement applications. The general authority for these rules, as cited by the board, is SDCL 36-18A-22, 36-18A-27, 36-18A-37, 36-18A-39, 36-18A-40, 36-18A-42, and 36-18A-43.

A public hearing will be held in Room 304, 3rd floor, 2040 W. Main Street, Rapid City, South Dakota, on September 10, 2007, at 1:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Board of Technical Professions, 2040 W. Main, Suite 304, Rapid City, South Dakota 57702-2447. Written comments must be received by September 1, 2007, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the board can make arrangements are asked to call (605) 394-2510 at least forty-eight hours before the hearing.

Department of Health: Board of Massage Therapy: (August 8, 2007) intends to amend rules to lower the license fee, decrease the continuing education hours required, eliminate the audit of continuing education records, create an inactive licensure status, and clarify other rules. The general authority for these rules, as cited by the board, is SDCL 36-35-16, 36-35-17, 36-35-18, 36-35-18.1, and 36-35-24.

A public hearing will be held in Sullivan Health Center Room 243, Southeast Technical Institute, Sioux Falls, South Dakota, on August 29, 2007, at 2:00 p.m. to consider the adoption of the proposed rules. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Board of Massage Therapy, P.O. Box 1062, Sioux Falls, South Dakota 57101-1062. Copies of the proposed rules may also be obtained at http://doh.sd.gov/boards/Massage. Material sent by mail must reach the board by August 24, 2007, 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) 271-7103 at least 48 hours before the hearing.

Department of Environment and Natural Resources: Board of Minerals and Environment: (August 8, 2007) intends to amend a rule to change the Underground Injection Control Class II Permits to allow injection at a pressure that may fracture the injection zone but not the confining zone. The general authority for this rule, as cited by the board, is SDCL 45-9-11 and 45-9-13.

A public hearing will be held at the Gold Room 1 & 2, in the Historic Franklin Hotel, 700 Main, Deadwood, South Dakota, on September 19, 2007, at 11:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to the Department of Environment and Natural

Resources, Division of Environmental Services, Ground Water Quality Program, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Copies of the rules are also available at the department's website at http://www.state.sd.us/denr/DES/Ground/UIC/Public_Notice-UIC.htm. Material sent by mail must be received by 5:00 p.m., September 18, 2007, 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) 773-3296 at least 48 hours before the hearing.

Department of Revenue and Regulation: Property and Special Taxes: (August 8, 2007) intends to amend rules to update manuals to current versions and repeal a rule that is no longer necessary. The general authority for these rules, as cited by the department, is SDCL 10-1-16.1 and 10-50-60.

A public hearing will be held in the Anderson Building, Room 109, 445 E. Capitol Avenue, Pierre, South Dakota, on September 6, 2007, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, or by emailing John.Richter@state.sd.us. Copies of the rules are also available at the department's website: http://www.state.sd.us/drr2/SpecialTaxRules2007.pdf. Material sent by mail must reach the department by September 6, 2007, 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) 773-4701 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Richard Bird, Sisseton, was appointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, to replace Lynn Amdahl, effective August 2, 2007, and shall continue until June 30, 2010.

Dr. Vickie Claymore-Lahammer, Aberdeen, was appointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, to replace Dr. Mark Garry, effective August 2, 2007, and shall continue until June 30, 2010.

Lois Knoke, Huron, was appointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, to replace Dawn Bultena, effective August 2, 2007, and shall continue until June 30, 2010.

Amanda Lautenschlager, Aberdeen, was reappointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2010.

Barbara Lefdal, Sioux Falls, was reappointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2010.

Roseanne Olson-Peterson¸ Arlington**,** was appointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, to replace Brenda Traver, effective August 6, 2007, and shall continue until June 30, 2010.

Rhonda Palm, New Effington, was reappointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2010.

Karen E. Pearson, Rapid City, was appointed on August 6, 2007, to the **State Fair Commission**, to replace Gerald Warmann, effective August 3, 2007.

Ellen Washenberger, Aberdeen, was appointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, to replace Tim Loftesness, effective August 3, 2007, and shall continue until June 30, 2010.

Ramona White Plume, Porcupine**,** was reappointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until June 30, 2010.

Jane York, Yankton, was appointed on August 6, 2007, to the **Mental Health Planning and Coordination Advisory Council**, to replace Cathy Assid, effective August 3, 2007, and shall continue until June 30, 2010.

Holly Brunick, Sioux Falls, was appointed on August 7, 2007, to the **South Dakota Board of Accountancy**, to replace John D. Graham, effective August 7, 2007, and shall continue until July 1, 2008.

Tim Conner, Brookings, was reappointed on August 7, 2007, to the **Family Support Council**, effective immediately and shall continue until June 30, 2010.

John J. Linn, Jr., Pierre, was reappointed on August 7, 2007, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until June 30, 2010.

Renetta Marlow, Pierre, was appointed on August 7, 2007, to the **Planning Council on Developmental Disabilities**, to replace Wanda Seiler**,** effective August 2, 2007.

John Mitchell, Rapid City, was reappointed on August 7, 2007, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until June 30, 2010.

Lori Westby, Groton, was appointed on August 7, 2007, to the **Family Support Council**, to replace Trish Dorn, effective August 6, 2007, and shall continue until June 30, 2010.

John Forrette, Sioux Falls, was appointed on August 8, 2007, to the **State Board of Podiatry Examiners,** effective August 8, 2007, and shall continue until June 30, 2010.

Executive Order:

The Governor has signed **Executive Order 2007-19** dated August 10, 2007, which declares that a state of emergency exists statewide, and that the transportation of diesel, ethanol, gasoline and propane within South Dakota shall be exempt from 49 CFR Part 395, otherwise known as the federal hours of service regulations. The executive order shall expire upon conclusion of the emergency, but no later than midnight, September 9, 2007.

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

8-22-2007	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.
8-29-2007	Health: Board of Massage Therapy	Amend rules to lower the license fee, decrease the continuing education hours required, eliminate the audit of continuing education records, create an inactive licensure status, and clarify other rules; 34 SDR 55.
9-6-2007	Revenue and Regulation: Property and Special Taxes	Amend rules to update manuals to current versions and repeal a rule that is no longer necessary; 34 SDR 56.
9-10-2007	Labor: Board of Technical Professions	Amend rules to clarify, such as adding definitions, adding a new section for a business waiver, correcting mistakes, adding NCARB's "Broadly Experienced Architect", adding NCEES policy section, request for disabled examinees to make accommodations from exam vendors, and late renewals are to submit reinstatement applications.34 SDR 55.
9-19-2007	Environment and Natural Resources: Board of Minerals and Environment	Amend a rule to change the Underground Injection Control Class II Permits to allow injection at a pressure that may fracture the injection zone but not the confining zone; 34 SDR 55.

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.

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).