

REGISTER



South Dakota Legislative Research Council

Volume 30

Monday, 8:00 a.m., February 9, 2004

A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

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

Department of Transportation: (February 4, 2004) has filed rules that will amend a speed zone in Brown County on SD Highway 10 through the city of Houghton, a speed zone in Codington County on U.S. Highway 212 through the city of Henry, a speed zone in Deuel County on SD Highway 28 through the city of Toronto, extend a speed zone in Lincoln County along State Highway 44 at the west and south edges of Lennox, and amend a speed zone in Roberts County on SD Highway 106 through the city of Claire City. The general authority for these rules, as cited by the department, is SDCL 32-25-7.

A public hearing will be held in the commission room of the Becker-Hanson Building, 700 E. Broadway Avenue, Pierre, South Dakota, on February 26, 2004, at 9:05 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received on or before February 25, 2004, 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) 773-3265 at least 48 hours before the hearing.

Department of Transportation: (February 6, 2004) has filed rules that will grant a general permit for mowing non-interstate, non-median right-of-way, eliminate the mowing start date

for west river counties with the exception of Gregory, Lyman, and Tripp, eliminate the 12" height restriction on mown right-of-way, prescribe a minimum distance from the road shoulder baled hay may be left, and make other minor changes. The general authority for these rules, as cited by the department, is SDCL 31-5-21,

A public hearing will be held in the commission room of the Becker-Hanson Building, 700 E. Broadway Avenue, Pierre, South Dakota, on February 26, 2004, at 9:05 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received on or before February 26, 2004, 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) 773-3265 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

**DEPARTMENT OF PUBLIC SAFETY:
OFFICE OF EMERGENCY MEDICAL
SERVICES:** 44:05:01:01, 44:05:01:02;
44:05:02:01, 44:05:02:03, 44:05:02:04,
44:05:02:11.01; 44:05:03:02, 44:05:03:02.01,
44:04:03:02.02, 44:05:03:03, 44:05:03:04,
44:05:03:05, 44:05:03:06, 44:05:03:06.01,
44:05:03:06.02, 44:05:03:06.03, 44:05:03:08,
44:05:03:09; 44:05:04:04, 44:05:04:07,
44:05:04:08, 44:05:04:09, 44:05:04:10,
44:05:04:11, 44:05:04:12, 44:05:04:12.01,

44:05:04:13.01, 44:05:04:14, 44:05:04:18;
 44:05:05:01, 44:05:05:02, 44:05:05:03,
 44:05:05:04, 44:05:05:07, 44:05:05:10,
 44:05:05:11, 44:05:05:12, 44:05:05:15, and
 44:05:05:17.

History-Notice: 30 SDR 78, Nov. 10, 2003
 Hearing: December 5, 2003
 Filed: February 2, 2004
 Effective: February 22, 2004

Executive Appointment:

R. James Clift, Sioux Falls, was reappointed and commissioned to the position of **Assistant Adjutant General, Air**, effective April 1, 2004, through March 31, 2006.

JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:

1. Agreement among the states of **South Dakota, North Dakota, Nebraska, Colorado, and Alaska** for the procurement of an electronic payment card program.

2. Letter of Agreement between the **Department of Education** and the **Department of Public Safety** regarding the conduct of certain inspections.

3. Agreement between the **Department of Environment and Natural Resources** and the **Department of Transportation** regarding erosion and sediment control conferences.

4. Agreement between the **Office of Attorney General** and the **Pennington County Sheriff's Office** regarding mutual aid in investigating and enforcing drug and controlled substance laws.

5. Agreement between the **State Forester** and the **Pennington County Weed & Pest Board** establishing the responsibilities of the state and the board in controlling noxious weeds in the Box Elder drainage.

6. Agreement between the **Department of Agriculture** and the **Perkins County Conservation District** for the purpose of hiring a forester to serve the six conservation districts in the northwest part of South Dakota.

7. Agreement between the **Bureau of Personnel** and the **Department of Health** to provide influenza immunizations to state retirees, employees, and their dependents.

8. Agreement between the **Department of Agriculture** and the **City of Huron** to provide adequate security at the State Fair.

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

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

2-25-2004	Education	Adopt rules to implement the Hagen-Harvey memorial scholarship program; 30 SDR 119.
2-26-2004	Transportation	Amend speed zones in Brown County, Codington County, Deuel County, Lincoln County, and Roberts County; 30 SDR 125.

2-26-2004	Transportation	Amend rules to authorize mowing certain highway rights-of-way and protect pheasant habitat in certain areas; 30 SDR 125.
3-3-2004	Labor	Adopt rules regarding seasonal designation for fireworks stands operators, eliminate the denial of benefits to unemployed workers who serve on juries, and allow filing appeals by facsimile; 30 SDR 121.

Rules Review Committee Meetings

The Interim Rules Review Committee will have an informal meeting near the close of the Seventy-ninth Legislative Session to set the tentative meeting schedule for the 2004 interim. Watch for a notice of this informal meeting on the LRC website and at the Capitol.

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.

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