

REGISTER

South Dakota Legislative Research Council



Volume 29

Monday, 8:00 a.m., February 10, 2003

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 Game, Fish and Parks: (February 3, 2003) has filed rules that will repeal Farley State Game Bird Refuge and Myers Waterfowl Resting Area in Grant County and Newton Hills State Game Refuge in Lincoln County; modify the boundaries of the DeGrey State Waterfowl Refuge and Big Bend Dam State Waterfowl Refuge along the Missouri River; and reference the correct Missouri River refuges which are closed to certain waterfowl hunting; modify paddlefish transportation prohibitions and requirements; modify provisions relating to the conditions, persons, and areas where a person may be permitted to utilize a metal detector on land owned, leased, or controlled by the Department; modify the daily fee to be charged (in lieu of a park entrance license fee) to certain organized groups and activity participants, require 15-day advance consent from the department, and expand the types of groups affected. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-17-1.1, 41-17-13.

A public hearing will be held at the Holiday Inn Express in Ft. Pierre, South Dakota, on February 27, 2003, at 2:00 p.m., CST. Copies of the proposed rules may be obtained from and written comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to chuck.schlueter@state.sd.us. E-mail comments must include the commenter's name and address. This meeting is being held in a

physically accessible building. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3718 before the hearing.

Department of Transportation: (February 5, 2003) intends to adopt rules to repeal speed zones in Minnehaha County on the West and East Service Roads of Interstate Highway 29 in Sioux Falls because portions of these roads were removed during reconstruction; amend a speed zone in Aurora County on SD Highway 258 through Plankinton; repeal speed zones in Corson County on SD Highway 20 east and west of Trail City; amend speed zones in Dewey County on SD Highway 20 through Trail City, Firesteel, Timber Lake, and Isabel; and to update definitions to reflect changes in industry configurations and further delineate terms regarding movement of oversize or overweight vehicles. The general authority for these rules, as cited by the department, is SDCL 32-22-41, 32-22-42, and 32-25-7.

A public hearing will be held in the Commission Room, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota, on February 27, 2003, at 9:05 a.m. Copies of the proposed rules may be obtained 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 by February 26, 2003, 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 forty-eight hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF SOCIAL SERVICES: LOW INCOME ENERGY ASSISTANCE OFFICE: 67:15:01:03, 67:15:01:10, 67:15:01:11, 67:15:01:18, 67:15:01:41, 67:15:01:41.02, 67:15:01:47; and 67:15:04:03.

History-Notice: 29 SDR 91, Dec. 16, 2002
 Hearing: January 6, 2003
 Filed: February 3, 2003
 Effective: February 23, 2003

DEPARTMENT OF SOCIAL SERVICES: OFFICE OF MEDICAL SERVICES:

67:16:29:02, 67:16:29:08, 67:16:29:09, and Appendix A and B.

History-Notice: 29 SDR 91, Dec. 16, 2002
 Hearing: January 6, 2003
 Filed: February 3, 2003
 Effective: February 23, 2003

Legislative Appointments:

Senator Eric Bogue, Faith, was reappointed on January 27, 2003, to the **Interim Rules Review Committee**, effective immediately and expires January 1, 2005.

Senator H. Paul Dennert, Columbia, was reappointed on January 27, 2003, to the **Interim Rules Review Committee**, effective immediately and expires January 1, 2005.

Senator Royal "Mac" McCracken, Rapid City, was reappointed on January 27, 2003, to the **Interim Rules Review Committee**, effective immediately and expires January 1, 2005.

Representative Orville B. Smidt, Brookings, was reappointed on January 29, 2003, to the

Interim Rules Review Committee, effective immediately and expires on January 1, 2005. **Representative Richard A. Engels**, Hartford, was appointed on January 29, 2003, to the **Interim Rules Review Committee**, effective immediately and expires January 1, 2005.

Representative Jean M. Hunhoff, Yankton, was appointed on January 29, 2003, to the **Interim Rules Review Committee**, effective immediately and expires January 1, 2005.

Executive Appointments:

Karon Schaack, Pierre, was appointed as **Acting Secretary of Education and Cultural Affairs**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

Jeannette Schipper, Pierre, was appointed as **Acting Secretary of Commerce and Regulation**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

Steve Stoneback, Pierre, was appointed as **Acting Commissioner of Administration**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

Clint Harris, Pierre, was appointed as **Acting Director of Lottery**, effective January 7, 2003, and shall continue at the pleasure of the Governor.

Donald Clarke, Wessington, was reappointed on January 9, 2003, to the **Veterans Commission**, effective immediately and shall continue until October 1, 2008.

David St. Pierre, Rapid City, was appointed on January 22, 2003, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2007.

Tim Engel, Pierre, was appointed on January 22, 2003, to the **State Capitol Complex Restoration and Beautification Commission**

to replace Patricia Farrar, effective immediately and shall continue until July 1, 2006.

Lynda Clark, Rapid City, was appointed on January 22, 2003, to the **State Arts Council** to replace Jocelyn Hanson, effective immediately and shall continue until July 1, 2006.

Larry Lyngstad, Pierre, was appointed on January 22, 2003, to the **State Arts Council** to replace Donald Ruleaux, effective immediately and shall continue until July 1, 2006.

Donna Fjelstad, Pierre, was appointed on January 22, 2003, to the **State Arts Council** to replace Michael Pangburn, effective immediately and shall continue until July 1, 2005.

Jane Rassmussen, Sisseton, was appointed on January 22, 2003, to the **State Arts Council** to replace Martha Brost, effective immediately and shall continue until July 1, 2005.

John Green, Madison, was appointed on January 22, 2003, to the **State Arts Council** to replace Terry Anderson, effective immediately and shall continue until July 1, 2004.

David Scott, Brookings, was appointed on January 22, 2003, to the **Planning Council on Developmental Disabilities** to replace Mark Samis, effective immediately and shall continue until July 1, 2006.

Lisa Lunstra, Pierre, was appointed on January 22, 2003, to the **Planning Council on Developmental Disabilities** to replace Larry Franklin, effective immediately and shall continue until July 1, 2005.

Vicki Day, Highmore, was appointed on January 22, 2003, to the **Planning Council on Developmental Disabilities** to replace Teri Sass, effective immediately and shall continue until July 1, 2005.

Alexia Werdel, Ree Heights, was appointed on January 22, 2003, to the **Planning Council on Developmental Disabilities** to replace Nina Jeffrey, effective immediately and shall continue until July 1, 2005.

Ted Williams, Redfield, was appointed on January 22, 2003, to the **Planning Council on Developmental Disabilities**, effective immediately.

Kati Seymour, Murdo, was appointed on January 22, 2003, to the **Planning Council on Developmental Disabilities** to replace Joyce Parry, effective immediately and shall continue until July 1, 2005.

Isabel Trobaugh, Elk Point, was appointed on January 22, 2003, to the **Planning Council on Developmental Disabilities** to replace Virginia Conlee, effective immediately and shall continue until July 1, 2004.

Lisa Heckenlaible, Mitchell, was appointed on January 22, 2003, to the **South Dakota Advisory Panel for Children With Disabilities** to replace Heidi Steffenson, effective immediately and shall continue until June 30, 2006.

Clayton Cooch, Spearfish, was appointed on January 22, 2003, to the **South Dakota Advisory Panel for Children With Disabilities** to replace Stephen Dempsey, effective immediately and shall continue until June 30, 2006.

Gail Eichstadt, Pierre, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Betsy Valnes, Sioux Falls, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Barb Koenders, Brookings, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2005.

Shirley Albright, Sioux Falls, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2004.

Amanda Lautenschlager, Aberdeen, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Nicole Haneke, Miller, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Wayne Blankenbiller, Buffalo, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Judy Hoscheid, Pierre, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Bernie Grimme, Pierre, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Kevin Steele, Sioux Falls, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2005.

Jim Dunston, Custer, was appointed on January 28, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Jim Schmidt, Sioux Falls, was appointed on January 28, 2003, to the **Housing Development Authority**, effective immediately and shall continue until June 30, 2005.

Cheryl Laurenz Bogue, Dupree, was reappointed on January 28, 2003, to the **Board of Pardons and Paroles**, effective immediately and shall continue until January 20, 2007.

Kristi Klein, Pierre, was appointed on January 22, 2003, to the **South Dakota Interagency Coordinating Council** to replace Sherry Deaver, effective immediately and shall continue until December 31, 2006.

Misty Miller, Canistota, was appointed on February 3, 2003 to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2005.

Monica Mayer, Isabel, was appointed on February 3, 2003, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2004.

Barb Frederickson, Redfield, was appointed on February 3, 2003, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2003.

Rosalyn Goodwin, Brandon, was appointed on February 3, 2003, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2003.

DiVina Baker, Winner, was appointed on February 3, 2003, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2005.

Donna Oliver, Pierre, was appointed February 3, 2003, to the **South Dakota Interagency Coordinating Council**, effective immediately and shall continue until December 31, 2006.

Janine Kern, Rapid City, was appointed on January 28, 2003, to the **Drug and Alcohol Abuse Advisory Council**, effective immediately and shall continue until July 1, 2004.

Mark Amundson, Sioux Falls, was appointed on January 28, 2003, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2005.

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

2-27-2003	Game, Fish and Parks	Amend game bird and waterfowl refuges; modify paddlefish transportation prohibitions and requirements; restrict use of metal detectors; modify daily fee for use of parks by organized groups; 29 SDR 115.
2-27-2003	Transportation	Amend or repeal speed zones in Minnehaha, Aurora, Corson and Dewey Counties; update definitions regarding movement of oversize or overweight vehicles; 29 SDR 115.

Rules Review Committee Meetings

The Interim Rules Review Committee will meet again following the close of the Seventy-eighth Legislative Session.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

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

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