

REGISTER

South Dakota Legislative Research Council



Volume 29

Monday, 8:00 a.m., March 17, 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 Agriculture: Animal Industry Board: (March 11, 2003) has filed rules to make regulation changes to clarify the definition of Johne's disease herd management plan and risk assessment; to clarify that assistance with laboratory fees may be provided annually; to provide assistance with the costs of assessing the risk of Johne's disease and developing control methods for Johne's disease; and to clarify who may intentionally remove official identification of animals in South Dakota. The general authority for these rules, as cited by the board, is SDCL 40-3-14 and 40-5-8.6.

A public hearing will be held at the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota, on April 3, 2003, at 2:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Animal Industry Board Office, 411 South Fort Street, Pierre, South Dakota 57501. Material sent by mail must reach the board office by April 2, 2003, 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) 773-3321 at least forty-eight hours before the hearing.

Attorney General: Law Enforcement Officers Standards and Training Commission: (March 12, 2003) intends to adopt an EMERGENCY rule to authorize a law enforcement agency to compensate a reserve officer when the reserve officer is assigned duties to replace a full or part-time officer who

has been called to active military duty and the period of active military duty exceeds or will exceed thirty consecutive days. The general authority for this rule, as cited by the commission, is SDCL 23-3-35.

A copy of the proposed rule may be obtained from the Law Enforcement Officers Standards and Training Commission, 500 East Capitol Avenue, Pierre, South Dakota 57501.

Department of Game, Fish and Parks: (March 14, 2003) has filed rules to amend Custer State Park's coyote hunting season, deer hunting season, bighorn sheep season, special antlerless elk hunting season, elk hunting season, early archery elk season, and late archery elk season; amend Custer State Park license restrictions, adopt rules for Custer State Park non-trophy bison harvest and license forms and fees; amend archery antelope hunting season in the Black Hills; amend archery deer hunting season in the southern boundary of the Black Hills, Adams Homestead and Nature Preserve, Lacreek National Wildlife Refuge, Ziebach County, and Lincoln County and amend the number of licenses; adopt a nonresident 1 tag antlerless deer or antelope license and establish its fee and modify the fee for nonresident 2 tag antlerless deer or antelope license; amend archery elk hunting season; amend archery hunting equipment restrictions and prohibitions; amend the general muzzleloading deer hunting season; amend Black Hills bighorn sheep hunting season; amend mountain goat hunting season; amend prairie elk season; amend Black Hills elk hunting season; amend application for licenses; prohibit dog training on a specific portion of the Fort Pierre National Grasslands; amend grouse hunting season in Deuel County;

amend the youth pheasant hunting season; amend reference to a chapter section regarding use of a crossbow; amend use of parks and public lands at the Adams Homestead and Nature Preserve and extend the time when tree stands need to be removed from certain department land; and amend application for license. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, 41-11-5, and 41-17-1.1.

A public hearing will be held at the Outdoor Campus located at 4500 South Oxbow Avenue, Sioux Falls, South Dakota, on April 3, 2003, at 2:00 p.m. 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. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3387 before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules: (None)

Executive Appointments:

Lance Russell, Hot Springs, was appointed on March 5, 2003, to the **South Dakota Lottery Commission**, to replace Dawn Nelson, effective immediately and shall continue until January 1, 2006.

Susan Shay Brugger, Pierre, was appointed on March 5, 2003, to the **South Dakota Lottery Commission**, to replace Ralph Kemnitz, effective immediately and shall continue until January 1, 2005.

Tom Leckey, Pierre, was appointed on March 5, 2003, to the **South Dakota Lottery Commission**, to replace John Waltner, effective immediately and shall continue until January 1, 2005.

Duane Schmautz, Pierre, was appointed on March 5, 2003, to the **South Dakota Lottery Commission**, to replace Ron Morrow, effective immediately and shall continue until January 1, 2006.

Neil Skea, Rapid City, was appointed on March 5, 2003, to the **State Board of Podiatry Examiners**, to replace Earl Bielmaier, effective immediately and shall continue until July 1, 2005.

Bertina Larcher, Custer, was appointed on March 6, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Michele Cogley, Claremont, was appointed on March 6, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Connie McClintock, Sioux Falls, was appointed on March 6, 2003, to the **South Dakota Advisory Panel for Children With Disabilities**, effective immediately and shall continue until June 30, 2006.

Cynthia Walsh, Aberdeen, was appointed on March 6, 2003, to the **Education Assistance Corporation Board of Directors**, to replace V. G. Stoia, effective immediately and shall continue until July 1, 2004.

William Aeschlimann, Hurley, was appointed on March 6, 2003, to the **Animal Industry Board**, effective immediately and shall continue until July 1, 2007.

Todd Archambeau, Fort Pierre, was appointed on March 6, 2003, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2007.

Pat Gilligan, Toronto, was appointed on March 7, 2003, to the **Statewide One-Call Notification Center Board**, effective immediately and shall continue until November 1, 2006.

Darryl Isburg, Pierre, was appointed on March 10, 2003, to the **State Board of Funeral Service**, effective immediately and shall continue until June 30, 2008.

John Pedersen, Pierre, was appointed on March 10, 2003, to the **Excess General Fund Oversight Board**, effective immediately.

Larry Jaske, Fort Pierre, was appointed on March 10, 2003, to the **Excess General Fund Oversight Board**, effective immediately.

Rodger Leonard, Pierre, was appointed on March 10, 2003, to the **Excess General Fund Oversight Board**, effective immediately.

Jan Nicolay, Chester, was appointed on March 10, 2003, to the **Excess General Fund Oversight Board**, effective immediately.

Larry Lucas, Mission, was appointed on March 10, 2003, to the **Excess General Fund Oversight Board**, effective immediately.

Fred Rittershaus, Brookings, was appointed on March 10, 2003, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2004.

Wallace L. Larsen, Pierre, was appointed on March 10, 2003, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2005.

Raymond Hengel, Rapid City, was appointed on March 10, 2003, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2006.

Warren L. Fisk, Rapid City, was appointed on March 14, 2003, to the **Board of Technical Professions**, effective immediately and shall continue until April 14, 2005.

Patricia Adam, Pierre, was reappointed on March 14, 2003, to the **State Historical Society Board of Trustees**, effective immediately and shall continue until April 15, 2006.

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

4-2-2003	Department of Agriculture: Division of Agricultural Services	Amend rules to clarify the locally noxious weed list; and remove the prairie dog from the statewide declared list of pests; 29 SDR 127.
4-3-2003	Department of Agriculture: Animal Industry Board	Amend rules regarding John's disease and clarify who may intentionally remove official identifications of animals; 29 SDR 129.

4-3-2003	Department of Game, Fish and Parks	Amend hunting seasons, fees, and application for licenses; 29 SDR 129.
----------	------------------------------------	--

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.

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 29 are \$20. 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.cfm>).