REGISTER

South Dakota Legislative Research Council

Volume 29 ***Monday, 8:00 a.m., June 16, 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.)

Attorney General: Law Enforcement Officers Standards and Training Commission:
(June 10, 2003) intends to adopt a 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 public hearing will be held in the Rol Kebach Criminal Justice Training Center, Classroom 1, Pierre, South Dakota, on August 21, 2003, at 10:00 a.m. A copy of the proposed rule may be obtained without charge from and written comments sent to the Law Enforcement Officers Standards and Training Commission, Division of Criminal Investigation, c/o Kim Knecht, 500 E. Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received by the close of business on August 18, 2003. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3584 before the hearing.

Department of Game, Fish and Parks:
(June 16, 2003) has filed rules to establish the number and types of antelope licenses and tags available in the applicable and renumbered hunting units; establish the number and types of licenses and tags available in the applicable and renumbered East River deer hunting units; modify (extend by seven days – December 1, 2003, though December 7, 2003, inclusive) the hunting season dates in all East River deer hunting units to those licensees who possess any type of a valid and unfilled anterless deer license or tag; beginning December 1, 2003, any unused and/or unsold "any deer" license or tag shall be converted to an "any anterless deer" license or tag, "any whitetail deer" license or tag is converted to an "any anterless whitetail deer" license or tag, and "any mule deer" license or tag is converted to an "any anterless mule deer" license or tag to be valid for the extended hunting season (December 1 through December 7, inclusive) and the reopened hunting season (January 1, 2004, through January 11, 2004, inclusive); and to reopen the hunting season on certain property in the applicable hunting units from January 1 through January 11, 2004, inclusive, only for those licensees who possess any type of a valid and unfilled 2003 anterless deer license or tag in the applicable hunting unit; modify the hunting season dates and length of the hunting seasons in certain units and make modifications to the areas contained within certain hunting units for the Early Fall Canada Goose hunting season; modify the period of time during which applications for new shooting preserves and renewal applications for existing shooting preserves must be received in Pierre to no later than March 1 and repeal the provision concerning the earliest time that a renewal application may be submitted to the department; establish waterfowl refuges on Lake Oahe: Dry Creek State Waterfowl Refuge, Okobojo Creek, and at the Whitlock Bay area and establish their respective boundaries; modify when traps and snares are required to be checked by a trapper; upon request require testing of the breaking strength of snares; require free operation of the swivel device on a snare; prohibit statewide the

use of snares on all public land and within any improved road rights-of-way during certain periods of time; establish prohibitions, requirements, and procedures of persons whose traps have caught or captured a wild animal in their traps after the established season is closed; require trappers to render their traps and snares inoperable during certain periods of time; and require removal of all traps and snares from all public land and improved road rights-of-way at a certain time; and adopt and implement procedures relating to issuance, revocation, and refusal to issue a taxidermist license and specimen record keeping and tagging requirements. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-10, 41-6-21, 41-6-33, 41-8-20, and 41-11-5.

A public hearing will be held at the Ramkota RiverCentre in Pierre, South Dakota, on July 10, 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:

DEPARTMENT OF HEALTH: 44:64:01:01, 44:64:01:02; 44:64:02:01, 44:64:02:02; 44:64:03:02, 44:64:03:03, 44:64:03:04, 44:64:03:05; and 44:64:04:01.

History-Notice: 29 SDR 135, March 31, 2003
Hearing: May 8, 2003
Filed: June 10, 2003
Effective: June 30, 2003

DEPARTMENT OF REVENUE AND REGULATION: SOUTH DAKOTA LOTTERY COMMISSION: 48:02:08:01; 48:03:03:05; and 48:03:06:05.

History-Notice: 29 SDR 149, April 28, 2003
Hearing: May 16, 2003
Filed: June 10, 2003
Effective: June 30, 2003

BUREAU OF PERSONNEL: 55:07:01:01; 55:07:02:01, and 55:07:02:02.

History-Notice: 29 SDR 143, April 14, 2003
Hearing: May 12, 2003
Filed: June 10, 2003
Effective: June 30, 2003

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES: WATER MANAGEMENT BOARD: 74:52:01:05; 74:52:02:22 to 74:52:02:30, inclusive; and 74:52:10:01.

History-Notice: 29 SDR 143, April 14, 2003
Hearing: May 7, 2003
Filed: June 11, 2003
Effective: July 1, 2003

DEPARTMENT OF COMMERCE & REGULATION: COSMETOLOGY COMMISSION: 20:42:01:01; 20:42:02:03 to 20:42:02:06, inclusive, 20:42:02:08, 20:42:02:11, 20:42:02:13, 20:42:02:16; 20:42:03:01, 20:42:03:03, 20:42:03:04, 20:42:03:06 to 20:42:03:09, inclusive, 20:42:03:12; 20:42:04:01 to 20:42:04:18, inclusive; 20:42:05:01, 20:42:05:04; 20:42:06:01 to 20:42:06:02, inclusive, 20:42:06:05 to 20:42:06:14, inclusive, 20:42:06:16 to 20:42:06:33, inclusive; 20:42:07:01 to 20:42:07:03, inclusive, 20:42:07:05 to 20:42:07:07.01, inclusive, 20:42:07:09 to 20:42:07:11, inclusive; and 20:42:08:01 to 20:42:08:07, inclusive.

History-Notice: 29 SDR 143, April 14, 2003
Hearing: May 13, 2003
Filed: June 11, 2003
Effective: July 1, 2003

DEPARTMENT OF TRANSPORTATION: 70:01:03:31 and 70:09:02 Appendix A.

History-Notice: 29 SDR 151, May 5, 2003
Hearing: May 22, 2003
Filed: June 11, 2003
Effective: July 1, 2003

DEPARTMENT OF SOCIAL SERVICES: 67:16:04:44, 67:16:04:45, 67:16:04:46, 67:16:04:49, 67:16:04:50, 67:16:04:51, 67:16:04:52, 67:16:04:54, 67:16:04:54.01, 67:16:04:54.02, 67:16:04:54.03, and 67:16:04:62.

History-Notice: 29 SDR 155, May 12, 2003
Hearing: May 27, 2003
Filed: June 11, 2003
Effective: July 1, 2003

DEPARTMENT OF SOCIAL SERVICES: 67:10:05:03, 67:10:05:04, and 67:10:05:05.

History-Notice: 29 SDR 155, May 12, 2003
Hearing: May 27, 2003
Filed: June 11, 2003
Effective: July 1, 2003

SECRETARY OF STATE: BOARD OF ELECTIONS: 5:02:03:01, 5:02:03:01.01, 5:02:03:12, 5:02:03:13, 5:02:03:21; 5:02:05:02, 5:02:05:02.01, 5:02:05:02.02, 5:02:05:22, 5:02:05:23, 5:02:05:24, 5:02:05:25; 5:02:06:01, 5:02:06:01.02, 5:02:06:01.03, 5:02:06:03, 5:02:06:09, 5:02:06:10, 5:02:06:10.02, 5:02:06:12, 5:02:06:15, 5:02:06:17, 5:02:06:19; 5:02:08:13; 5:02:09:02.02, 5:02:09:05; 5:02:10:01, 5:02:10:08; and 5:02:17:13.

History-Notice: 29 SDR 144, April 14, 2003
Hearing: May 15, 2003
Filed: June 12, 2003
Effective: July 2, 2003

DEPARTMENT OF REVENUE & REGULATION: BUSINESS TAX, MOTOR VEHICLES, PROPERTY AND SPECIAL TAXES: 61:24:04:03, 61:24:04:06; 64:01:01:21 to 64:01:01:23, inclusive, 64:01:01:25, 64:01:01:27, 64:01:01:52; 64:02:01:13; 64:02:03:16, 64:02:03:17, 64:02:03:19; 64:03:01:02.01, 64:03:01:28; 64:03:02:07; 64:04:01:20, 64:04:01:22, 64:04:01:28 to 64:04:01:31, inclusive; 64:05:01:05; 64:06:01:01.02, 64:06:01:03.01, 64:06:01:07, 64:06:01:07.01, 64:06:01:08.01, 64:06:01:29.03, 64:06:01:39.01, 64:06:01:61 to 64:06:01:69, inclusive; 64:06:02:19, 64:06:02:21, 64:06:02:38, 64:06:02:42, 64:06:02:58, 64:06:02:72, 64:06:02:73, 64:06:02:89, 64:06:02:93; 64:06:03:00, 64:06:03:26, 64:06:03:50, 64:06:03:54, 64:06:03:57 to 64:06:03:60, inclusive; 64:28:03:04, 64:28:03:04.01, 64:28:03:04.03, 64:28:03:04.04, 64:28:03:10; 64:28:06:03; 64:28:07:03; 64:28:09:03, 64:28:09:04; 64:28:10:03; 64:28:12:01, 64:28:12:04, 64:28:12:05, 64:28:12:09, 64:28:12:10, 64:28:12:11 and 64:28:12:18.

History-Notice: 29 SDR 151, May 5, 2003
Hearing: May 22, 2003
Filed: June 12, 2003
Effective: July 2, 2003

Executive Appointments:

Tom B. Burchill, Sioux Falls, was reappointed on June 6, 2003, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2007.

Jerry Prostrollo, Madison, was reappointed on June 6, 2003, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2007.

Jacqualyn Fuller, Lead, was reappointed on June 6, 2003, to the **Board of Economic Development**, effective immediately and shall continue until April 19, 2007.

Karen Gundersen Olson, Rapid City, was reappointed on June 6, 2003, to the **State Arts Council**, effective June 30, 2003, and shall continue until July 1, 2006.

Mickey Miller, Pierre, was reappointed on June 6, 2003, to the **State Arts Council**, effective June 30, 2003, and shall continue until July 1, 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

6-18-2003	Labor: Plumbing Commission	Amend definitions; adopt rules for licensing and examination requirements for restricted licensees; repeal the requirement for identification for work installed; 29 SDR 167.
6-24-2003	Education: Board of Education	Adopt and amend rules that require that the Professional Teachers Practices and Standards Commission and the Professional Administrators Practices and Standards Commission hold their respective meetings annually; that ensure that all teachers become highly qualified and to recognize the achievements of Nationally Board Certified teachers; require alternative certification teacher candidates submit copies of their state licensure exams to the department; and establish a teacher mentorship program; 29 SDR 163.
6-24-2003	Transportation	Repeal rules to eliminate the requirements regarding issuance, possession, and display of pilot photo identification; 29 SDR 168.
6-26-2003	Environment and Natural Resources: Board of Water and Natural Resources	Revise the director areas for the Central Plains water development district; 29 SDR 167.
6-26-2003	Transportation	Amend speed zones in Brown County on US Highway 12 and on SD Highway 37 through the city of Groton; 29 SDR 167.
7-1-2003	Labor: Public Utilities Commission	Adopt rules regarding the South Dakota Do-Not-Call Register; 29 SDR 168.
7-10-2003	Game, Fish and Parks	Amend antelope, East River deer, and early fall Canada goose hunting seasons; amend the application process for private shooting preserves; establish waterfowl refuges on Lake Oahe at Dry Creek, Okobojo Creek, and at the Whitlock Bay area; modify traps and snares requirements; adopt rules regarding taxidermists; 29 SDR 175.

7-17-2003	Environment and Natural Resources: Board of Minerals and Environment	Update existing hazardous waste rules by incorporating the federal rules by reference; 29 SDR 163.
8-21-2003	Attorney General: Law Enforcement Officers Standards and Training Commission	Adopt a rule concerning compensation for a reserve officer; 29 SDR 175.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 5, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: September 8, October 6, and November 19.

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 available at the LRC office and on the LRC web site.

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