

REGISTER



South Dakota Legislative Research Council

Volume 28

Monday, 8:00 a.m., June 24, 2002

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: (June 18, 2002) intends to adopt rules to establish the number and types of antelope hunting licenses and tags available in certain hunting units; establish the number and types of East River deer hunting licenses and tags available in certain units, combine and modify certain units, add counties and units to the areas open for hunting beginning on the fourth Saturday in November, and lengthen the hunting season for "antlerless" deer in certain counties and units; in the West River prairie deer season establish new "antlerless" deer hunting units with applicable hunting season dates in certain areas and establish number and types of licenses in the new units; modify the early fall Canada goose hunting season in certain units; clarify procedures relative to required marking and initial and planned releases of birds in private shooting preserves; and prohibit possession of uncased firearms on the Rolling Game Production Area under certain circumstances. The department will also take further public comment and testimony on a rule relative to the required use of life preservers for children. The general authority for these rules, as cited by the department, is SDCL 41-2-18, 41-6-21, 41-11-5, 41-17-1.1, and 32-3A-1.

A public hearing will be held at the First Dakota National Bank, 500 East Norway, Mitchell, South Dakota, on July 11, 2002, 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.

Department of Transportation: South Dakota Aeronautics Commission: (June 18, 2002) is proposing rules regarding structures affecting aviation and rules regarding pilot and airport employee photo identification requirements. The general authority for these rules, as cited by the commission, is SDCL 50-9-2, 50-9-9, 50-5-7, and 50-11-24.

A public hearing will be held at Tailgators Restaurant, 1013 North Splitrock Boulevard, Brandon, South Dakota, on July 18, 2002, at 1:30 p.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Transportation, Office of Aeronautics, 700 East Broadway Avenue, Pierre South Dakota 57501-2586. Written comments must be received by July 17, 2002, 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) 773-3574 prior to the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF TRANSPORTATION: 70:01:02:01, 70:01:02:07, 70:01:02:32, and

70:01:02:49.

History-Notice: 28 SDR 157, May 6, 2002
 Hearing: May 23, 2002
 Filed: June 14, 2002
 Effective: July 4, 2002

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

History-Notice: 28 SDR 153, April 29, 2002
 Hearing: May 20, 2002
 Filed: June 17, 2002
 Effective: July 8, 2002

**DEPARTMENT OF GAME, FISH AND
 PARKS:** 141:03:03:03.01.

History-Notice: 28 SDR 177, June 17, 2002
 Hearing: N/A
 Filed: June 17, 2002
 Effective: June 17, 2002

**DEPARTMENT OF EDUCATION AND
 CULTURAL AFFAIRS:** 24:52:00:01;
 24:52:05:01, 24:52:05:02, 24:52:05:03;

24:52:06:11; 24:52:07:02, 24:52:07:04;
 24:52:10:01, 24:52:10:02, 24:52:10:08,
 24:52:10:10, 24:52:10:12, 24:52:10:15;
 24:52:15:05 to 24:52:15:08, inclusive.

History-Notice: 28 SDR 145, April 15, 2002
 Hearing: May 15, 2002
 Filed: June 20, 2002
 Effective: July 10, 2002

Executive Appointments:

David A. Evans, Brookings, was appointed on June 15, 2002, as **Poet Laureate of South Dakota**, to replace Audrae Visser, effective immediately and to continue at the pleasure of the Governor.

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

6-27-2002	Transportation	Speed zones in Grant County, signs along interstate – Indian Reservations; 28 SDR 169.
6-27-2002	Education and Cultural Affairs: Board of Education	Standards and process for alternative teacher certification; 28 SDR 173.
7-9-2002	Agriculture: Agricultural Services	Sampling for verification of transgenic seed use; 28 SDR 169.
7-9-2002	Agriculture: Animal Industry Board	Cervid chronic wasting disease program; 28 SDR 173.
7-11-2002	Game, Fish and Parks	Antelope, East River deer, West River prairie deer, early fall Canada goose hunting licenses and seasons, private shooting preserves; 28 SDR 181.

7-18-2002	Transportation: Aeronautics Commission	Aviation structures and pilot and airport employee ID; 28 SDR 181.
7-18-2002	Environment and Natural Resources: Board of Minerals and Environment	Requirements of hazardous waste facilities, add to hazardous waste list, land disposal restrictions, managing specific hazardous wastes; 28 SDR 165.
7-31-2002	Commerce and Regulation: Plumbing Commission	License fees, exceptions to conformation with national code, water piping to livestock facilities, public bathrooms, wet venting and number of fixture units, location of dual check backflow preventers; 28 SDR 177.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 6 in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2002 interim: September 17, November 20, and January 6.

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 28 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>).