

# REGISTER



*South Dakota Legislative Research Council*

*Volume 31*

*Monday, 8:00 a.m., July 19, 2004*

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**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:***

(July 15, 2004) has filed rules to waive the park entrance license requirement at Farm Island State Recreation Area and Oahe Downstream State Recreation Area during the dates of the Korean War Memorial Dedication (September 17 through September 19, inclusive); formally designate a portion of the waters on Lake Sharpe fronting the swimming beach at Oahe Downstream Recreation Area in Stanley County as a "public swimming zone"; clarify the wording of the "no wake zone" at the confluence of Lake Sharpe and the Bad River; make style and form changes to existing safety zones; amend "Public Water Zoning" on Punished Woman Lake in Codington County, on Lake Waggoner in Haakon County, on Lake Norden in Hamlin County, on Lake Madison in Lake County, and on Shadehill Reservoir in Perkins County; modify the daily bag limits and possession limits of certain waterfowl and hunting season dates and length of applicable seasons for certain waterfowl in the various areas and applicable zones (all to be in compliance with and inclusive of regulations permitted within the adopted Federal framework); prohibits a licensee from hunting, possessing, or transporting wild animals in violation of the conditions of the issued license; and increase the fee for certain licenses and permits (hunting, fishing, falconry, fur dealer, and taxidermist). The general authority for these rules, as cited by the department, is SDCL 32-3A-1, 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-33, 41-6-37.1, 41-11-5, 41-17-1.1, and 41-17-31.4.

A public hearing will be held at the Cornerstone Steakhouse located on Highway 81 in Freeman, South Dakota, on August 5, 2004, 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](mailto: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.

**NOTICE:**

The **South Dakota Lottery** is ending instant ticket game number 184 - Bonus Crossword. The last day that prizes will be paid for the game is January 7, 2005.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**Executive Appointments:**

**Lynn Amdahl**, Watertown, was reappointed on July 12, 2004, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2007.

**Travis Arneson**, Sioux Falls, was reappointed on July 12, 2004, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until July 1, 2007.

**Cathy Assid**, Sioux Falls, was reappointed on July 15, 2004, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2007.

**Linda Biffert**, Volga, was reappointed on July 15, 2004, to the **Independent Living Council**, effective immediately and shall continue until July 1, 2007.

**Julie Carpenter**, Pierre, was appointed on July 14, 2004, to the **Board of Vocational Rehabilitation**, to replace Michelle Powers, effective immediately and shall continue until July 1, 2007.

**Tim Connor**, Brookings, was reappointed on July 12, 2004, to the **Family Support Council**, effective immediately and shall continue until July 1, 2007.

**Roy Conrad**, Sioux Falls, was reappointed on July 12, 2004, to the **Mental Health Planning and Coordination Advisory Council**, effective immediately and shall continue until July 1, 2006.

**Lois M. Davis**, Rapid City, was reappointed on July 15, 2004, to the **Board of Tourism**, effective immediately and shall continue until July 1, 2008.

**Dave Geisler**, Murdo, was reappointed on July 12, 2004, to the **Board of Tourism**, effective immediately and shall continue until July 1, 2008.

**Madonna Goodart**, Rapid City, was reappointed on July 12, 2004, to the **Family Support Council**, effective immediately and shall continue until July 1, 2007.

**John D. Graham**, Madison, was reappointed on July 12, 2004, to the **South Dakota Board of Accountancy**, effective immediately and shall continue until July 1, 2008.

**Ryan Green**, Sioux Falls, was appointed on July 14, 2004, to the **Independent Living Council**, to replace Joel Niemeyer, effective immediately and shall continue until July 1, 2007.

**Marvin Edward Haffner**, Sioux Falls, was reappointed on July 14, 2004, to the **Board of Barber Examiners**, effective immediately and shall continue until July 1, 2007.

**Emily Haney-Carron**, Milbank, was appointed on July 14, 2004, to the **Mental Health Planning and Coordination Advisory Council**, to replace Kari Syverson, effective immediately and shall continue until July 1, 2007.

**Beth Haug**, Custer, was appointed on July 14, 2004, to the **Board of Vocational Rehabilitation**, to replace Pam Hericks, effective immediately and shall continue until July 1, 2007.

**Dillon Haug**, Spearfish, was appointed on July 14, 2004, to the **Planning Council on Developmental Disabilities**, to replace Cindy Roan Eagle, effective immediately and shall continue until July 1, 2007.

**Thomas W. Kober**, Vermillion, was reappointed on July 14, 2004, to the **Independent Living Council**, effective immediately and shall continue until July 1, 2007.

**June Larson**, Vermillion, was reappointed on July 12, 2004, to the **South Dakota Board of Nursing**, effective immediately and shall continue until July 1, 2008.

**Michael L. McRodan**, Sturgis, was reappointed on July 12, 2004, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until July 1, 2007.

**Harlan E. Nielsen**, Rapid City, was reappointed on July 14, 2004, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2008.

**David Nissen**, Sioux Falls, was reappointed on July 12, 2004, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until July 1, 2007.

**Marley Prunty-Lara**, Sioux Falls, was appointed on July 14, 2004, to the **Mental Health Planning and Coordination Advisory Council**, to replace Liz Gouge, effective immediately and shall continue until July 1, 2007.

**Don Rounds**, Pierre, was reappointed on July 14, 2004, to the **Board of Water and Natural Resources**, effective immediately and shall continue until July 1, 2008.

**Jim Schade**, Volga, was reappointed on July 14, 2004, to the **Board of Tourism**, effective immediately and shall continue until July 1, 2008.

**Georgene Shortbull**, Oglala, was appointed on July 14, 2004, to the **Planning Council on Developmental Disabilities**, to replace Corey Blachford, effective immediately and shall continue until July 1, 2007.

**Larry A. Simonson**, Rapid City, was reappointed on July 14, 2004, to the **State Electrical Commission**, effective immediately and shall continue until April 14, 2008.

**Frank Smith**, Gettysburg, was reappointed on July 14, 2004, to the **Board of Tourism**, effective immediately and shall continue until July 1, 2008.

**Isabel Trobaugh**, Elk Point, was reappointed on July 12, 2004, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until July 1, 2007.

**Patricia Wagner**, Sioux Falls, was reappointed on July 12, 2004, to the **South Dakota Board of Nursing**, effective immediately and shall continue until July 1, 2008.

**Gary Wald**, Aberdeen, was reappointed on July 12, 2004, to the **Independent Living Council**, effective immediately and shall continue until July 1, 2006.

**Eileen White**, Sturgis, was reappointed on July 12, 2004, to the **Independent Living Council**, effective immediately and shall continue until July 1, 2007.

#### **JOINT POWERS AGREEMENTS ON FILE WITH THE LEGISLATIVE RESEARCH COUNCIL:**

The South Dakota Department of Agriculture Resource Conservation and Forestry Division and the City of Spearfish have entered into a joint powers agreement. The agreement has a term of one year ending June 1, 2005. Under the agreement the State will provide up to \$1,000 in cost-share funding and assistance to the City for the Spearfish Arboretum.

The South Dakota Department of Agriculture Resource Conservation and Forestry Division and the City of Yankton have entered into a joint powers agreement. The agreement has a term of one year ending June 1, 2005. Under the agreement the State will provide up to \$1,000 in cost-share funding and assistance to the City for the Yankton Arboretum.

A copy of each agreement is on file with the Legislative Research Council and may be copied or reviewed during normal 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 Revenue and Regulation, and the Department of Labor for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

7-23-2004	Health: Board of Pharmacy	Adopt rules to establish criteria to register and regulate pharmacy technicians who assist pharmacists in the pharmacy and to update, reorganize and clarify language of current rules and regulations pertaining to pharmacy interns, support personnel, and reference materials; 30 SDR 215.
7-26-2004	Education: Board of Education	Eliminate the requirement that evidence of completion of all required sections of the Dakota STEP assessment must appear on the student's transcript before graduation may be authorized and a signed diploma may be issued; remove curriculum and special education directors from the administrative program group and place them in the school service program group; and revise the rules so they are content standards based and allow preparing institutions the flexibility to vary their courses to meet the content standards; 31 SDR 1.
7-28-2004	Labor: State Plumbing Commission	Amend rules regarding plumbing installation practices as they relate to the Uniform Plumbing Code and to allow for apprentice plumber licensing beyond four years without fees involved; 30 SDR 203.
8-5-2004	Game, Fish and Parks	Amend rules to waive the park entrance license requirement at Farm Island State Recreation Area and Oahe Downstream State Recreation Area during the dates of the Korean War Memorial Dedication (September 17 through September 19, inclusive); formally designate a portion of the waters on Lake Sharpe fronting the swimming beach at Oahe Downstream Recreation Area in Stanley County as a "public swimming zone"; clarify the wording of the "no wake zone" at the confluence of Lake Sharpe and the Bad River; make style and form changes to existing safety zones; amend "Public Water Zoning" on Punished Woman Lake in Codington County, on Lake Waggoner in Haakon County, on Lake Norden in Hamlin

		County, on Lake Madison in Lake County, and on Shadehill Reservoir in Perkins County; modify the daily bag limits and possession limits of certain waterfowl and hunting season dates and length of applicable seasons for certain waterfowl in the various areas and applicable zones (all to be in compliance with and inclusive of regulations permitted within the adopted Federal framework); prohibits a licensee from hunting, possessing, or transporting wild animals in violation of the conditions of the issued license; and increase the fee for certain licenses and permits (hunting, fishing, falconry, fur dealer, and taxidermist); 31 SDR 7.
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### *Rules Review Committee Meetings*

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 3, 2004, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2004 interim: October 15.

**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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