

# REGISTER

*South Dakota Legislative Research Council*



*Volume 31*

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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 Environment and Natural Resources: Operator Certification Program:***

(July 20, 2004) has filed rules to remove the requirement for a water/wastewater operator to have direct responsible charge (DRC) in order to become certified as a Class III or IV operator. It will also remove DRC as a substitution possibility for lacking education that is required to take an exam and as a consideration when reviewing applications for reciprocal certificates. The general authority for these rules, as cited by the department, is SDCL 34A-3-23 and 34A-3-24.

A public hearing will be held at the Ramkota Inn, Aberdeen, South Dakota on September 14, 2004, at 4:00 p.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Environment and Natural Resources, Operator Certification Program, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota 57501-3181. Written comments must be received by 5:00 p.m., September 10, 2004, to be considered at the hearing. Copies of the proposed rules may also be obtained without charge from the SD Operator Certification web site <http://www.state.sd.us/opercert> or by calling Rob Kittay at 605-773-4208. 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) 773-4208 at least 48 hours before the public hearing.

***Department of Labor: Public Utilities***

***Commission:*** (July 22, 2004) intends to amend

rules that would provide a baseline for service requirements while allowing telephony providers to determine which system of electrical backup will keep their customers in communication during a power outage and to require a telephone solicitor who makes unsolicited telephone calls to South Dakota residential telephone subscribers to download updates from the South Dakota do not call register every thirty-one days, instead of every ninety days. The general authority for these rules, as cited by the commission, is SDCL 49-31-77, 49-31-85, and 49-31-99.

A public hearing will be held in Room 413, State Capitol, 500 East Capitol, Pierre, South Dakota, on August 24, 2004, at 8:30 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Public Utilities Commission, 500 East Capitol, Pierre, South Dakota 57501-5070 or on the Public Utilities Commission's home page at <http://www.state.sd.us/puc>. Materials sent by mail must be received by September 3, 2004, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the commission can make arrangements are asked to call (605) 773-3201 at least 48 hours before the hearing.

**DECLARATORY RULING:**

The South Dakota Commission on Gaming has filed a Declaratory Ruling relating to the Four Aces Hotel Corporation. The corporation asked the Commission to determine if a proposed inner access between Buildings 6 and 7 in the Four Aces gaming complex would qualify as an appropriate inner access opening under ARSD 20:18:25:02. After considering the evidence the

Commission declared that the opening met the requirements.

The Declaratory Ruling is dated June 21, 2004, and may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

#### **FILINGS IN THE SECRETARY OF STATE'S OFFICE: (None)**

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

The **Department of Agriculture** has filed six Joint Powers Agreements with the Legislative Research Council. The agreements relate to Engineering Plans and Designs Letter of Agreements with Conservation Districts throughout the state that have Concentrated Animal Feeding Operators within their districts. The agreements are for Manure Management Systems and are between the department and these conservation districts: Brookings; Faulk; Kingsbury; Marshall; South Brown; and Yankton.

The **Department of Agriculture** and **South Dakota State University** have filed a Joint Powers Agreement relating to the conduct of a tree inventory in the following locations: Andover; Britton; Brookings; Bryant; Canton; Eagle Butte; Highmore; Kennebec; Mobridge; Murdo; Platte; Pierre; Roscoe; Selby; Tripp; Webster; and Winner.

The **Department of Agriculture** and the **Sanborn Conservation District** have filed a Joint Powers Agreement relating to planting and maintaining .7 acres of trees at the Artesian/Letcher School District's school in Forestburg.

Copies of the Joint Powers Agreements are 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**

7-28-2004	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.
8-24-2004	Labor: Public Utilities Commission	Amend rules that would provide a baseline for service requirements while allowing telephony providers to determine which system of electrical backup will keep their customers in communication during a power outage and to require a telephone solicitor who makes unsolicited telephone calls to South Dakota residential telephone subscribers to download updates from the South Dakota do not call register every thirty-one days, instead of every ninety days; 31 SDR 13.
9-14-2004	Environment and Natural Resources: Operator Certification Program	Amend rules to clarify which operators are eligible to become certified as Class III or IV operators; 31 SDR 13.

### ***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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